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MANUAL OF THE SENATE AND THE HOUSE OF DELEGATES OF VIRGINIA

1906

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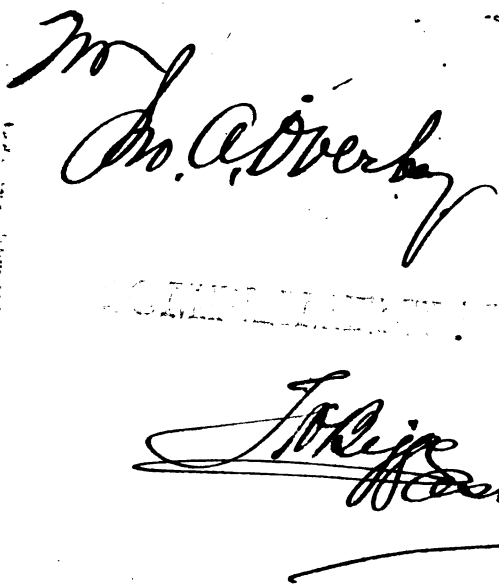

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MANUAL

OF

THE SENATE

AND

HOUSE OF DELEGATES

OF

VIRGINIA.

SESSION 1906.

RICHMOND:
DAVIS BOTTOM, SUPERINTENDENT PUBLIC PRINTING
1906.

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STATE OFFICERS.

CLAUDE A. SWANSON,
GOVERNOR.

J. TAYLOR ELLYSON,
LIEUT.-GOVERNOR AND PRESIDENT OF THE SENATE.

WILLIAM A. ANDERSON,
ATTORNEY-GENERAL.

D. Q. EGGLESTON,
SECRETARY OF THE COMMONWEALTH.

MORTON MARYE,
AUDITOR OF PUBLIC ACCOUNTS.

BEVERLEY T. CRUMP, *Chairman*,
HENRY C. STUART,
JOSEPH E. WILLARD,
CORPORATION COMMISSION.

JOHN G. DEW,
SECOND AUDITOR.

A. W. HARMAN, JR.,
TREASURER.

J. D. EGGLESTON, JR.,
SUPERINTENDENT OF PUBLIC INSTRUCTION.

JOHN W. RICHARDSON,
REGISTER OF LAND OFFICE.

WILLIAM NALLE,
ADJUTANT-GENERAL.

G. W. KOINER,
COMMISSIONER OF AGRICULTURE.

JAMES B. DOHERTY,
COMMISSIONER OF LABOR.

DAVIS BOTTOM,
SUPERINTENDENT OF PUBLIC PRINTING.

JOHN P. KENNEDY,
LIBRARIAN.

E. F. MORGAN,
SUPERINTENDENT OF PENITENTIARY.

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THE SENATE.

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SENATORS, DISTRICTS AND POSTOFFICES.

NAME.	No. of District.	COUNTIES AND CITIES.	POSTOFFICE.
Anderson, Chas. J.....	38	*Richmond City*.....	Richmond.
Campbell, J. Lawrence.	22	*Bedford*, Rockbridge and City of Buena Vista.....	Bedford City.
Chapman, John S.....	17	Albemarle, *Greene* and City of Charlottesville	Stanardsville.
Dickenson, R. Walter..	3	Buchanan, Dickenson, *Russell* and Tazewell	Bickley Mill.
Echols, Edward.....	9	Augusta, Highland and *City of Staunton*	Staunton.
Fulton, M. J.....	12	Clarke, Page and *Warren*.....	Front Royal.
Garrett, H. L.....	7	Craig, Botetourt, *Alleghany* and Bath	Covington.
Garrett, W. A.....	23	Pittsylvania, *Henry* and City of Danville	Ridgeway.
Greear, John F.....	6	Carroll, *Grayson* and Patrick...	Troutdale.
Gunter, B. T.....	37	*Accomac*, Northampton and Princess Anne.....	Accomac.
Harman, A. C.....	38	*Richmond City*.....	Richmond.

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NAME.	No. of District.	COUNTIES AND CITIES.	POSTOFFICE.
Hobbs, A. R.....	27	Greenesville, Sussex, Surry and *Prince George*.....	Marl.
Holt, S. W.....	36	Elizabeth City, York, Warwick and *City of Newport News*....	Newport News.
Keezell, George B.....	8	*Rockingham*	Keezelltown.
Lassiter, Charles T....	29	Dinwiddie and *City of Petersburg*	Petersburg.
Lincoln, A. T.....	1	Washington, *Smyth* and City of Bristol	Marion.
Lynn, B. W.....	11	Fauquier and *Loudoun*.....	Leesburg.
Machen, Lewis H.....	14	Alexandria County, Prince William, Fairfax and *City of Alexandria*	Alexandria.
Mann, Wm. Hodges...	28	*Nottoway*, Amelia, Lunenburg, Prince Edward and Cumberland	Nottoway.
Niemeyer, John C.....	33	Norfolk County and *City of Portsmouth*	Portsmouth.
Noblin, R. R.*.....	21	*Halifax*	South Boston.
Noel, J. C.....	2	Scott, *Lee* and Wise.....	Pennington Gap.

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SENATORS, DISTRICTS AND POSTOFFICES—CONTINUED.

NAME.	No. of District.	COUNTIES AND CITIES.	POSTOFFICE.
Patteson, Camm.....	18	Appomattox, *Buckingham*, Fluvanna and Charlotte.....	Howardsville.
Phlegar, Archer A.....	4	Roanoke County, *Montgomery* and Cities of Roanoke and Radford.	Christiansburg.
Rison, George T.....	24	*Pittsylvania* and City of Danville.	Chatham.
Roberts, F. B.....	25	*Mecklenburg* and Brunswick....	Chase City.
Sadler, Jos. P.....	16	Goochland, *Powhatan*, Chesterfield and City of Manchester..	Powhatan.
Sale, W. W.....	31	*Norfolk City*.....	Norfolk.
Sears, J. Boyd.....	39	King and Queen, Middlesex, Essex, Gloucester and *Mathews*..	Mathews.
Shackelford, Geo. S....	15	Culpeper, Madison, Rappahannock and *Orange*.....	Orange.
Shands, William.....	30	Isle of Wight, *Southampton* and Nansemond	Courtland.
Sims, F. W.....	13	Spotsylvania, Stafford, *Louisa* and City of Fredericksburg.....	Louisa.
St. Clair, P. F.....	5	*Giles*, Bland, Pulaski and Wythe.	Bane.
Strode, A. E.....	19	*Amherst* and Nelson.....	Amherst.

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SENATORS, DISTRICTS AND POSTOFFICES—CONTINUED.

NAME.	No. of District.	COUNTIES AND CITIES.	POSTOFFICE.
Tavenner, F. S.....	10	*Shenandoah*, Frederick and City of Winchester.....	Woodstock.
Thomas, A. F.....	20	*Campbell* and City of Lynchburg.	Lynchburg.
Turner, S. T.....	26	Franklin and *Floyd*.....	Smart.
Walker, C. Harding....	34	King George, Richmond, Westmoreland, Lancaster and *Northumberland*	Heathsville.
Wickham, Henry T....	32	Caroline, *Hanover* and King William	Richmond.
Wickham, T. Ashby....	35	*Henrico*, New Kent, Charles City, James City and City of Williamsburg	Richmond.

NOTE.—The City or County in which a Senator resides is printed in *Italics*.
*Deceased.

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NAME.	OFFICE.	POSTOFFICE.	COUNTY AND CITY.
J. Taylor Ellyson...	President.....	Richmond.....	Richmond City.
Henry T. Wickham.	President *pro tem*..	Richmond	Hanover.
Joseph Button.....	Clerk	Walker's Ford.....	Appomattox.
Thos. A. Lynch.....	First Asst. Clerk...	Tazewell	Tazewell.
Harry C. Mann.....	Journal Clerk.....	Petersburg	Dinwiddie.
J. N. Brenaman....	Reading Clerk.....	New Market.....	Shenandoah.
H. L. Watson.....	Committee Clerk....	Richmond	Henrico.
O. V. Hanger.....	Committee Clerk....	Amherst	Amherst.
J. E. Henley.....	Committee Clerk....	Norfolk	Norfolk City.
R. S. Sale.....	Committee Clerk....	Orange	Orange.
B. C. Banks.....	Committee Clerk....	Bland	Bland.
F. B. Watkins.....	Sergeant-at-Arms ...	Smithville	Charlotte.
S. M. Donald.....	Doorkeeper	Staunton	Augusta.
William Wilson.....	Lib. & Doc. Clerk...	Richmond	Henrico.
Hugh N. Seay.....	Page	Wilmington	Fluvanna.
Robert W. Vaughan.	Page	Richmond	Henrico.
Jessee H. Stultz...	Page	Martinsville	Henry.
John L. Hurt.....	Page	Clover	Halifax.
Irvin A. Wright....	Page	Richmond	Richmond City.

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SENATE STANDING COMMITTES.

Privileges and Elections—Messrs. Shackelford, Mann, Sale, St. Clair, Rison, Tavenner, Holt, Sims, Roberts, , and Greear.

Clerk—J. N. Brenaman.

Courts of Justice—Messrs. Mann, Walker, Sears, Phlegar, Rison, Fulton, Patterson, Machen, Lassiter, Sims, Wickham, T. A., Strode, and Garrett, H. L.

Clerk—O. V. Hanger.

General Laws—Messrs. Shands, Sale, Garrett, W. A., Hobbs, Gunter, Campbell, Tavenner, Sadler, Niemeyer, Anderson, , Noel, and Lincoln.

Clerk—J. N. Brenaman.

Roads and Internal Navigation—Messrs. St. Clair, Wickham, H. T., Campbell, Harman, Sadler, Machen, Thomas, Echols, Lassiter, Lynn, Fulton, Sims, Roberts, Niemeyer, and Greear.

Clerk—J. E. Henley.

Finance and Banks—Messrs. Wickham, H. T. Keezell, Chapman, Garrett, W. A., St. Clair, Shackel-Ford, Sale, Phlegar, Holt, Echols, Harman, Tavenner, and Thomas.

Clerk—Ro. S. Sale.

Public Institutions and Education—Messrs. Keezell, Chapman, Hobbs, Sears, Gunter, Campbell, Sale, Phlegar, Rison, Holt, Echols, Lassiter, Lynn, Anderson, and Strode.

Clerk—H. L. Watson.

County, City and Town Organization—Messrs. Chapman, Walker, Hobbs, Patterson, Machen, Sadler, Niemeyer, Wickham, T. A., Anderson, Noel and Turner.

Clerk—H. L. Watson.

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Agriculture, Mining and Manufacturing—Messrs. Garrett, W. A., Gunter, Shackelford, Thomas, Roberts, Lynn, Dickenson, and Lincoln.

Clerk—J. E. Henley.

Fish and Game—Messrs. Walker, Keezell, Shands, Sears, Gunter, Fulton, Harman, Strode, Wickham, T. A., Turner, and Dickenson.

Clerk—O. V. Hanger.

Enrolled Bills—Messrs. Sears, Shands, Thomas, Garrett, W. A., Sims, Wickham, T. A., Turner, Greear, and Noel.

To Examine Clerk's Office of Senate—Messrs. Campbell, Chapman, and Lincoln.

Rules—President of the Senate, President *pro tem.*, and Chairman of Committee of Privileges and Elections.

Executive Expenditures—Messrs. Sadler, Shands, and Greear.

Library—Messrs. Sale, Shackelford, and Walker,

To Examine Office of Auditor of Public Accounts—Messrs. Patterson, Harman, and Noel.

To Examine Second Auditor's Office—Messrs. Rison, Sears, and Dickenson.

To Examine Office of Register of the Land Office—Messrs. Fulton, Niemeyer, and Turner.

To Examine Treasurer's Office—Messrs. Holt, St. Clair, and Wickham, H. T.

To Examine Bonds of Public Officers—Messrs. Garrett, W. A., Echols, and Garrett, H. L.

Printing—Messrs. Hobbs, Harman, and Machen,

Joint Committee on Special, Private and Local Legislation—Messrs. Phlegar, Walker, Mann, Fulton, and Garrett, H. L.

Clerk—B. C. Banks.

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RULES OF THE SENATE

I.

ATTENDANCE AND ADJOURNMENT.

1. No member shall absent himself from the service of the Senate without leave, unless he is sick or unable to attend.

2. A majority of senators shall be necessary to proceed to business; five may adjourn, and nine may order a call of the Senate, send for absentees, and make any order for their censure or discharge. On a call of the Senate, the doors shall not be closed against any senator until his name shall have been once enrolled.

3. When the Senate adjourns each day every senator shall keep his seat until the president leaves his seat.

II.

THE PRESIDENT.

4. If any question be put upon a bill or resolution, the president shall state the same without argument.

5. The president may call any senator to the chair, who shall exercise its functions for the time; but no senator, by virtue of such appointment, shall preside for a longer period than three days.

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6. At the commencement of each session the Senate shall elect four pages, who shall receive for their services two dollars per day each.

III.

THE CLERK.

7. The clerk of the Senate shall not suffer any records or papers to be taken from the table or out of his custody by any person except a chairman of a committee; but he may deliver any bills or papers, directed to be printed, to the superintendent of public printing, or to any senator, on taking his receipt for the same.

8. The Journal of the Senate shall be daily drawn up by the clerk, and shall be read the succeeding day; it shall be printed under the supervision of the clerk and delivered to the senators without delay.

9. The clerk of the Senate shall appoint a first assistant clerk, a journal clerk, a reading clerk and four committee clerks, not more than one of whom shall be appointed from the same congressional district. The clerks so appointed shall remain in the capitol during the sessions of the Senate, and the committee clerks shall be assigned by the clerk for duty with the various standing committees, and shall perform any duties that the other committees may require, when not employed by their respective committees; and the clerk of the Senate may also require said clerks, when not employed by the standing committees, to assist in engrossing bills or aid him in the Senate chamber when

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necessary. The said clerks shall be removable by the clerk of the Senate or by the committee of which they are clerks.

10. Before reading each bill, the clerk shall announce whether it is the first, second or third time of the reading of the bill.

11. The clerks of the Senate and House of Delegates may interchange messages at such time between the hour of adjournment and that of meeting on the following day, as that the said messages may be read immediately after the orders of the day.

12. The clerk of the Senate shall, at each session, have printed and bound with the manual and rules, etc., the Constitution of Virginia for the use of the senators.

IV.

SERGEANT-AT-ARMS AND DOORKEEPER.

13. No senator shall be taken into custody by the sergeant-at-arms on any complaint or breach of privileges until the matter is examined by the committee of privileges and elections and reported to the Senate, unless by order of the Senate.

14. It shall be the duty of the doorkeeper of the Senate to preserve, in chronological or numercial order, a copy of every printed document distributed in the Senate, and to deliver the same at the close of the session to the clerk of the Senate, whose duty it shall be to have them bound and preserved in his office for the use of this body.

15. The doorkeeper, or his assistant, shall be constantly at his post during the sessions of

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the Senate and shall permit no one to enter or remain upon the floor of the Senate during the session thereof, except members of the General Assembly, ex-members thereof, members and ex-members of Congress, State officers, ex-State officers and judges, officers and employees of the General Assembly, members of the late Constitutional Convention, reporters of the proceedings of the Senate, members of the families of the senators and such persons as the presiding officer may deem worthy of such distinction and invite to a seat near the chair.

Whenever any person desires an interview with a senator or the clerk of the senate, the doorkeeper shall send a messenger to him.

The doorkeeper, or his assistant, shall show all persons not entiteld to seats on the floor, to the gallery.

All seats on the north side of the door of the gallery, and the northern half of the seats on the south side of such door shall be set aside and used for whites, and the remainder by colored people. The front rows of the portions assigned to whites shall be especially reserved for ladies and their escorts, and the doorkeeper, or his assistant, shall see that this is done.

Provided. This rule shall not be construed to prevent Senators from receiving visitors invited by themselves in the cloak room during the sessions of the Senate.

This amendment shall take effect when the seats are placed in the gallery.

V.

COMMITTEES.

16. At the commencement of each session the following committees shall be elected:

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I. A committee of privileges and elections, to consist of not less than seven nor more than eleven senators.

II. A committee of courts of justice, to consist of not less than seven nor more than thirteen senators.

III. A committee on general laws, to consist of not less than seven nor more than thirteen senators.

IV. A committee on roads and internal navigation, to consist of not less than seven nor more than fifteen senators.

V. A committee on finance and banks, to consist of not less than seven nor more than thirteen senators.

VI. A committee on public institutions and education, to consist of not less than seven nor more than fifteen senators.

VII. A committee on county, city, and town organizations, to consist of not less than seven nor more than eleven senators.

VIII. A committee on agriculture, mining, and manufacturing, to consist of not less than seven nor more than ten senators.

IX. A committee on fish and game, to consist of not less than seven nor more than eleven senators.

X. A committee on enrolled bills, to consist of not less than seven nor more than nine senators.

The following committees shall consist of three senators, viz.:

To examine the office of clerk of the Senate.
On rules.
On the library.
On executive expenditures.

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To examine the office of register of the land office.

To examine the bonds of public officers.

On the public printing.

There shall also be appointed by the Senate five members to serve upon the joint standing committee on special, private and local legislation, and two members to serve upon the joint standing auditing committee.

17. The regular standing committees of the Senate and its members upon the joint standing committees shall be elected by the Senate, unless the Senate direct otherwise, and the senator first named shall be the chairman, unless the committee direct otherwise. The majority of any committee shall constitute a quorum.

18. The several committees shall, in all cases, report whether other cases comprised within the principal of the matter referred may arise; and if a bill be ordered, it shall provide for all such cases, and upon any matter referred, the committee shall have power to report by bill.

19. Select committees shall consist of not less than three nor more than nine senators, unless the Senate direct otherwise.

20. The committee of privileges and elections shall examine the oaths taken by each senator and the certificate of election furnished by the proper officer, and report thereon to the Senate.

The committee of privileges and elections shall report in all cases of privileges or contested elections the principles and reasons on which their resolutions are founded.

21. The committee on courts of justice shall

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take into consideration such petitions and matters or things touching wrongs and remedies and judicial proceedings concerning the same as shall be presented or may come in question and be referred to them by the Senate, and report thereon, together with such propositions relative thereto as to them shall seem expedient.

22. To the committee on general laws shall be referred all resolutions and bills concerning the militia, private claims, propositions and grievances, and other matters of a general nature not properly referable to any other standing committee.

23. The committee on roads and internal navigation shall take into consideration all such petitions and matters or things relating to highways, public roads, railways, canals and waterways as shall be presented or may come in question and be referred to them by the Senate, and report thereon, together with such propositions relative thereto as to them shall seem expedient.

24. The Committee on finance and banks shall, at each session, examine into the indebtedness of the Commonwealth, the revenues and expenditures of the preceding year, and prepare an estimate of the expense of the succeeding year, and make such report thereon as they may deem proper, and shall also examine into the state and manner of administration of the literary fund, and make such report thereon as they may deem proper.

25. To the committee on public institutions and educations shall be referred all bills and resolutions concerning education, the penitentiary, lunatic asylums, the institution for the deaf and dumb and blind, the armory and other public

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property at the seat of government. And it shall be the duty of the said committee to examine at each session into the condition of the penitentiary, and make such report thereon as they may deem proper. Neither said committee nor a sub-committee thereof shall visit any public institution outside the city of Richmond without leave of the Senate first authorized and obtained.

26. To the committee on county, city and town organizations shall be referred all bills, resolutions and petitions concerning the formation of any new county, or the organization of any city or town.

27. To the committee on agriculture, mining and manufacturing, shall be referred all bills, resolutions and petitions concerning agriculture, manufacturing and mining, commerce and the mechanic arts, and also all matters relating to the department of labor.

28. To the committee on fish and game shall be referred all bills, resolutions and petitions concerning the oyster industry of the State, surveys of the public waters of the State affecting said industry, and all matters relative to fish and game.

29. The committee to examine the clerk's office shall see that all papers belonging thereto are properly filed, labelled, and put away in the presses, and that the books belonging to the office are chronologically arranged, and shall make an annual report thereof to the Senate.

30. The president of the Senate, the president *pro tempore*, and chairman of the committee on privileges and elections shall constitute a standing committee on rules, to whom all

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resolutions amending or altering the rules of the Senate shall be referred; and said committee shall report such amendments to said rules as in their judgment are necessary and proper.

VI.

ORDER OF BUSINESS.

31. After reading the journal, one hour, to be called the "morning hour," shall be devoted as follows:

I. To dispose of communications from the House of Delegates and the executive.

II. To receive reports from standing committees (for which purpose they shall be called by the clerk).

III. To receive reports from select committees.

IV. To receive resolutions, petitions, and bills, on leave.

32. At the expiration of the morning hour the Senate shall proceed to the consideration of the calender, as follows:

I. The unfinished business of the preceding day.

II. Bills and resolutions in the order in which they stand on the calendar.

33. When a bill or resolution of the House of Delegates is passed or rejected by the Senate, it shall remain under the control of the Senate for the space of two days, and the fact of the passage or rejection, with the bill or resolution, shall then be communicated to the House of Delegates, unless otherwise ordered.

34. All bills or other business originating in the Senate shall be dispatched in the order in

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which they are introduced, and all bills and resolutions sent from the House of Delegates shall be dispatched in the order in which they are sent, unless in either case the Senate direct otherwise.

35. No law shall be enacted except by bill. Every bill, upon its introduction, shall be referred to the appropriate committee, and no bill shall become a law until it has been—

First: Referred to a committee of the Senate, considered by such committee in session, and reported;

Second: Printed by the house in which it originated prior to its passage;

Third: Read at length on three different calendar days in each house; and,

Fourth: A yea and nay vote has been taken in each house upon its final passage, the names of the members voting for and against entered on the journal, and a majority of those voting, which shall include at least two-fifths of the members elected to each house, has been recorded in the affirmative.

And only in the manner required in sub-division four of this section shall an amendment to a bill by the House of Delegates be concurred in by the Senate, or a conference report be adopted by the Senate, or a committee discharged from the consideration of a bill for the Senate to consider the same as if reported; provided that the printing and reading, or either, required in sub-divisions two and three of this section, may be dispensed with in a bill to codify the laws of the State, and in any case of emergency by a vote of four-fifths of the members voting, taken by the yeas and nays, the

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names of the members voting for and against, entered on the journal; and provided further, that no bill which creates or establishes a new office or which creates, continues, or revives a debt or charge, or makes, continues or revives any appropriation of public or trust money, or property, or releases, discharges or commutes any claim or demand of the State, or which imposes, continues or revives a tax, shall be passed except by the affirmative vote of a majority of all the members elected to the Senate, the vote to be by the yeas and nays, and the names of the members voting for and against entered on the journal. Every law imposing, continuing or reviving a tax shall specifically state such tax, and no law shall be construed as so stating such tax where it requires a reference to any other law or any other tax. The presiding officer of the Senate shall, in the presence of the Senate, in open session, sign every bill that has been passed by both houses and duly enrolled. Immediately before this is done, all other business being suspended, the title of the bill shall be publicly read. The fact of signing shall be entered on the journal. Before reference to a committee, any special, private or local bill shall be referred to and considered by the joint standing committee on special, private and local legislation, and returned to the Senate with a statement in writing whether the object of the bill can be accomplished under general law or by court proceeding; whereupon the bill, with the accompanying statement, shall be referred to the appropriate committee of the Senate, and shall take the course provided by section fifty of the Constitution of Virginia. The joint committee may be discharged from the

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consideration of a bill by the Senate, when said bill originated in the Senate, in the manner provided in section fifty of the Constitution of Virginia for the discharge of other committees.

36. Bills and resolutions originating in the House of Delegates and not requiring immediate action, shall be read at length the first time when received and referred to their appropriate committees, unless the Senate direct otherwise.

37. No bill reported from a committee of the Senate shall be recommitted or amended until it has been twice read, nor shall any bill be amended after its third reading, except by the unanimous consent of the Senate.

38. Joint resolutions originating in the Senate shall lie on the table one day at least, unless otherwise ordered.

39. The yeas and nays on any question shall, at the desire of five senators, be entered on the journal. After the yeas and nays shall have been taken, and before they are counted or entered on the journal, the clerk shall read over the names of those who voted in the affirmative and of those who voted in the negative, at which time any senator shall have the right to correct any mistake committed in enrolling his name.

40. Upon the determination of a question, any senator may enter his protest upon the journal, with the consent of one-third of the senators present; and on the question, "Shall the protest be entered on the Journal?" no privileged motion shall be in order except to adjourn.

41. Whenever the Senate proceeds to consider any nominations of the governor which are subject to the choice or ratification of the Senate, the same shall be considered in executive ses-

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sion, with closed doors, and the proceedings thereon shall be in secret, unless the injunction of secrecy be removed by a vote of the Senate.

42. A motion to take from the table shall not be in order unless the bill, resolution or other matter proposed to be taken up would be appropriate for consideration under the order of business then in hand, as prescribed by rules thirty-one and thirty-two.

VII.

ORDER AND DECORUM.

43. While the president is reporting or putting any question, or the clerk is reporting a bill or calling the roll or a senator is addressing the chair, strict order shall be observed.

44. If words be spoken in debate that give offense, exception thereto shall be taken the same day, and be stated in writing; and in such case, if the words be decided by the president or by the Senate, upon an appeal, to be offensive, and they be not explained or retracted by the senator who uttered them, he shall be subject to such action as the Senate may deem necessary.

VIII.

ASCERTAINING THE QUESTION.

45. A motion for a second reading, and a motion for committing the bill, may be submitted at the same time; but the question upon these motions shall be put separately, if required by any senator.

46. Any senator may call for a division of the question, which shall be divided if it compre-

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hend propositions so distinct in substance that, one being taken away, a substantive proposition shall remain for the decision of the Senate; and a motion to strike out, being lost, shall preclude neither amendment nor a motion to insert, nor a motion to strike out and insert.

47. When a question is pending, no motion shall be received but to adjourn, to pass by, for the pending question, for the previous question, to lie on the table, to postpone indefinitely, to adjourn the question to a different day, to commit or amend; which several motions shall have precedence in the order in which they are arranged.

IX.

THE PENDING AND PREVIOUS QUESTIONS.

48. Upon a motion for the pending question, seconded by a majority of the senators present, indicated by a rising or by a recorded vote, the president shall immediately put the pending question; and all incidental questions of order arising after a motion for the pending question is made, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

49. Upon a motion for the previous question, seconded by a majority of the senators present, indicated by a rising or by a recorded vote, the president shall immediately put the question, first upon amendments in the order prescribed in the rules, and then upon the main question. If the previous question be not ordered, debate may continue as if the motion had not been made.

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X.

TAKING THE VOTE.

50. Every senator present, when any question is put or vote taken, shall vote or be counted as voting on one side or the other, except in case of pairs, as hereinafter provided for; but no senator shall vote on a question in the event he is immediately or personally interested. Pairs upon any question pending may be made and entered upon the Journal, and in such cases shall be announced immediately upon completion of the roll-call, and before the announcement of its result. Pairs may be general or special. General pairs shall extend to and include all motions, amendments or other proceedings in aid of or against the question pending, and which is the subject of the pairs. Special pairs shall depend in their scope upon the agreement between the Senators making the same, but in the absence of a specific agreement, the presumption shall be conclusive that the pairs are general. The Senator announcing a pair shall be counted as present for the purpose of establishing a quorum.

51. Every question shall be first put in the affirmative, and then in the negative, and the president shall declare whether the yeas or nays have it; which declaration shall stand as the judgment of the Senate, unless a senator call for a division, in which event the president shall divide the Senate.

52. When the yeas and nays are ordered, or a call of the Senate is directed, the names of the senators shall be called in alphabetical order.

53. No senator shall be allowed to vote unless

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he be present within the chamber at the time the Senate is being divided, or before a determination of the question upon a call of the roll.

XI.

DEBATE.

54. When any member is about to speak in debate or deliver any matter to the Senate, he shall rise from his seat, and without advancing, with due respect, address **"Mr. President,"** confining himself strictly to the point in debate, and avoiding all disrespectful language.

55. No member shall speak more than twice on the same subject, without leave of the Senate; nor more than once until every member choosing to speak shall have spoken.

56. No question shall be debated until it has been propounded by the president, and then the mover shall have a right to explain his views in preference to any senator.

57. When the president is putting a question, any senator who has not spoken before to the matter may speak to the question before the negative is put.

58. During any debate any senator, though he has spoken to the matter, may rise and speak to the orders of the Senate if they be transgressed, in case the president do not; but if the president stand up at any time, he is first to be heard, and while he is up senators must keep their seats.

59. No senator shall be allowed to be interrupted while speaking, except on points of or-

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der, to correct erroneous statements or to answer any questions that may be propounded by the senator speaking.

60. Motions to adjourn; lay on the table; for the pending question; for the previous question; to suspend the rules; to take from the table; to take up orders of the day; to close debate; to limit debate; to extend limit of debate; to read papers; to reconsider questions not debatable, shall not be debated; but upon a motion to suspend a rule, or to take from the table, to lay on the table, or to take up orders of the day, the mover shall be allowed five minutes to state the reasons for his motion, and one member opposed to the motion shall be allowed a like time to object. And when a question not debatable is before the Senate, all incidental questions arising after it is stated shall be decided and settled, whether on appeal or otherwise, without debate; and the same rule shall apply to all incidental questions arising after any questions is put to the house.

XII.

RECONSIDERATION.

61. A question being once determined must stand as the judgment of the Senate, and cannot during the same session be drawn again into debate. No motion to reconsider a question which has been decided, shall be entertained, unless it be made by a senator voting with the prevailing side, nor unless made on the same day on which the vote was taken or within the two next days of actual session of the Senate thereafter;

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provided, however, that when any question is decided in the negative simply for the want of a majority of the whole Senate, any senator who was absent from the city of Richmond or detained from his seat by sickness at the time of the vote sought to be reconsidered may move its reconsideration.

XIII.

PETITIONS.

62. No petition of a private nature, having been once rejected, shall be acted on a second time, unless it be supported by new evidence; nor shall any such petition, after a third disallowance, be again acted on. The several clerks of committees shall keep alphabetical lists of all such petitions, specifying the session at which they were presented and the determination of the Senate thereon, and shall deliver the original petition to the clerk of the Senate, to be preserved in his office.

63. No petition shall be received claiming a sum of money or praying the settlement of unliquidated accounts, unless it be accompanied with the certificate of disallowance from the executive or auditor containing the reason why it was rejected.

64. When any such petition, or bill founded on one, is rejected, such petition, shall not be withdrawn; but the petitioner, or senator presenting his petition, or any senator from the county or corporation in which the petitioner resides, may, without leave, withdraw any document filed therewith; and a list of all documents so withdrawn shall be preserved by the

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clerk. All petitions not finally acted on may, with the accompanying documents be in like manner withdrawn after the expiration of the session at which they were presented.

65. No petition shall be read in the Senate unless particularly requested by some senator, but every senator presenting one shall announce the name of the petitioner, nature of the application, and whether, in his opinion, a similar application had been before made by said petitioner. He shall also endorse on the back of the petition his own name as a pledge that it is drawn in respectful language; whereupon it shall be delivered to the clerk, by whom it shall be laid before the proper committee.

XIV.

66. Any rule of the Senate may, except where otherwise provided by the Constitution of the State of Virginia, be suspended by a vote of two-thirds of the members elect.

XV.

CONSTRUCTION OF RULES.

67. In the construction of the foregoing rules, reference shall first be had to Jefferson's Manual and the Digest of the Rules of the Congress of the United States.

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HOUSE OF DELEGATES.

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DISTRICTS AND DELEGATES.

Accomac—John R. Rew.

Albemarle and City of Charlottesville—Thos. H. Dunn and D. H. Pitts.

Alexandria City and County—James R. Caton.

Alleghany and Craig—N. E. Spessard.

Amherst—H. Don Scott.

Appomattox—A. B. Thornhill.

Amelia and Nottoway—J. A. Sydnor.

Augusta and City of Staunton—John W. Churchman and Silas H. Walker.

Bath, Highland, City of Buena Vista and Rockbridge—S. W. Sterrett.

Bedford—Thos. S. West and H. C. Lowry.

Botetourt—W. C. Barker.

Brunswick—R. S. Powell.

Buckingham and Cumberland—Paul McRae.

Campbell—Eugene Ould.

Caroline—David B. Powers, Jr.

Carroll—J. L. C. Lindsey.

Charlotte—Boylan Green.

Chesterfield—W. W. Baker.

Chesterfield, City of Manchester and Powhatan—Willis C. Pulliam.

Clarke and Warren—M. M. Johnson.

Culpeper—D. A. Slaughter.

Dickenson and Wise—W. H. Roberts.

Dinwiddie—Thomas E. Clarke.

Elizabeth City and Accomac—Harry R. Houston.

Fairfax—R. E. Lee, Jr.

Fauquier—M. M. Green.

Fauquier and Loudoun—J. H. Cochran.

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Floyd—D. L. Eller.
Franklin—Jno. R. Guerrant.
Frederick and City of Winchester—Richard E. Byrd.
Gloucester—Jas. L. Taliaferro.
Goochland and Fluvanna—Pembroke Pettit.
Giles and Bland—Martin Williams.
Grayson—L. K. Cornett.
Halifax—M. B. Booker and Jas. A. Glenn.
Hanover—W. D. Cardwell.
Henrico—C. W. Throckmorton.
Henry—J. M. Barker, Jr.
Isle of Wight—Wm. E. Howle.
King and Queen and Essex—J. M. Lewis.
King William and Hanover—O. O. Gwathmey.
Lancaster and Richmond County—John Curlett.
Lee—Harvey Young.
Loudoun—F. M. Love.
Louisa—L. J. Haley.
Lunenburg—E. P. Wallace.
Lynchburg—Tipton D. Jennings.
Madison and Greene—N. B. Early, Jr.
Mathews and Middlesex—G. E. T. Lane.
Mecklenburg—S. P. Read.
Montgomery and City of Radford—Chas. A. Johnston.
Nansemond—Robert W. Withers.
Nelson—Geo. W. Whitehead.
Newport News—W. E. Barrett.
New Kent, Charles City, James City, York, Warwick, and City of Williamsburg—Roger T. Gregory.
Norfolk City—W. W. Old, Jr., and E. W. Gaines.
Norfolk County—E. W. Owens and W. G. Parker.
Northampton and Accomac—J. T. Wilkins, III.
Northumberland and Westmoreland—George Mason.
Orange—C. C. Taliaferro.
Page and Rappahannock—D. S. Louderback.

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Patrick—James W. Barnard.

Pittsylvania and City of Danville—S. H. Wilson, W. N. Brown and S. F. Clement.

Petersburg—Robert E. Gill.

Portsmouth—Chas. T. Bland.

Princess Anne—George T. Snead.

Prince Edward—J. J. Owen.

Prince William—Thomas H. Lion.

Pulaski—J. T. Trolinger.

Rockingham—P. B. F. Good and H. M. Rogers.

Richmond City—Edwin P. Cox, Eugene C. Massie, Ordway Puller, R. E. Peyton, Jr., and Harry C. Glenn.

Roanoke City and County—A. B. Coleman and A. M. Bowman.

Rockbridge and City of Buena Vista—R. G. Mitchell.

Russell—J. H. Meade.

Scott—C. S. Pendleton.

Shenandoah—B. B. Bowman.

Smyth—J. H. Wissler.

Southampton—J. B. Prince.

Spotsylvania and City of Fredericksburg—Granville R. Swift.

Stafford and King George—R. C. L. Moncure.

Sussex and Greenesville—J. E. Person.

Surry and Prince George—S. B. Barham, Jr.

Tazewell and Buchanan—J. P. Royall.

Washington and City of Bristol—J. D. Williams. and John C. Stanfield.

Wythe—W. E. Hillenburg.

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MEMBERS OF THE HOUSE OF DELEGATES.

NAME.	POSTOFFICE.	CITY AND COUNTY.	TELEGRAPH STATION.
Baker, Wm. W....	Hallsboro	Chesterfield	Hallsboro.
Barham, S. B., Jr..	Runnymede	Surry	Wakefield.
Barker, J. M., Jr...	Axton	Henry	Axton.
Barker, W. C.....	Buchanan	Botetourt	Buchanan.
Barnard, James W.	Kibler	Patrick	Stuart.
Barrett, M. E.....	Newport News.....	Newport News.....	Newport News.
Bland, Chas. T....	Portsmouth	Portsmouth	Portsmouth.
Booker, M. B.....	South Boston.....	Halifax	South Boston.
Bowman, A. M.....	Salem	Roanoke County....	Salem.
Bowman, Burder B.	Edenburg	Shenandoah	Edenburg.
Brown, W. N.....	Danville.	Danville	Danville
Byrd, Richard E...	Winchester	Frederick	Winchester.
Cardwell, W. D....	Richmond	Hanover	Richmond.
Caton, James R....	Alexandria	Alexandria City....	Alexandria.
Churchman, Jno. W	Staunton, R. F. D. 2	Augusta	Staunton.
Clarke, Thos. E....	Sutherland	Dinwiddie	Sutherland.
Clement, S. Fletcher	Sandy Level.....	Pittsylvania	Toshes.

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Cochran, J. H.....	The Plains.....	Fauquier	The Plains.
Coleman, Aylett B.	Roanoke	Roanoke City.....	Roanoke.
Cornett, L. K.....	Elk Creek.....	Grayson	Crockett.
Cox, Edwin P.....	Richmond	Richmond City.....	Richmond.
Curlett, John.....	Whealton	Lancaster	Whealton.
Dunn, Thos. M....	Free Union.....	Albermarle	Charlottesville.
Early, N. B., Jr...	Dawsonville	Greene	Barboursville.
Eller, David L....	Posey	Floyd	Christiansburg.
Gaines, E. W.....	Norfolk	Norfolk City.....	Norfolk.
Gill, Robert E.....	Petersburg	Petersburg	Petersburg.
Glenn, Harry C....	Richmond	Richmond City.....	Richmond.
Glenn, James A....	South Boston.....	Halifax	South Boston.
Good, P. B. F.....	Montevideo	Rockingham	McGaheysville.
Green, Boylan.....	Drakes Branch....	Charlotte	Drakes Branch.
Green, M. M.....	Warrenton	Fauquier	Warrenton.
Gregory, Roger T..	Tunstalls	New Kent.....	Tunstalls.
Guerrant Jno. R...	Callaway	Franklin	Rocky Mount.
Gwathmey, O. O...	Aylett	King William.....	Aylett.
Haley, L. J.....	Buckner	Louisa	Fredericks Hall.
Hillenberg, W. E..	Crocketts Depot...	Wythe	Crocketts.
Houston, Harry R.	Hampton	Elizabeth City.....	Hampton.
Howle, William E..	Furgusson's Wharf.	Isle of Wight.....	Smithfield.
Jennings, Tipton D.	Lynchburg	Lynchburg	Lynchburg.

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LIST OF MEMBERS—CONTINUED.

NAME.	POSTOFFICE.	CITY AND COUNTY.	TELEGRAPH STATION.
Johnson, M. M....	Front Royal.....	Warren	Front Royal.
Johnston, Chas. A..	Christiansburg	Montgomery	Christiansburg.
Lane, G. E. T.....	Port Haywood.....	Mathews	Port Haywood.
Lee, Robert E., Jr..	Burke	Fairfax	Burkes.
Lewis, James M...	Millers Tavern....	Essex	Millers Tavern.
Lindsey, J. L. C...	Ocala	Carroll	Allisonia.
Lion, Thos. H.....	Manassas	Prince William....	Manassas.
Louderback, D. S...	Shenandoah	Page	Shenandoah.
Love, F. M.....	Hamilton	Loudoun	Hamilton Station.
Lowry, H. C.....	Bedford City.....	Bedford	Bedford City.
Mason, George.....	Colonial Beach....	Westmoreland	Colonial Beach.
Massie Eugene C...	Richmond	Richmond City....	Richmond.
Meade, J. H.....	Honaker	Russell	Honaker.
Mitchell, Roland G.	Aqua	Rockbridge	Raphine.
Moncure, R. C. L..	Falmouth	Stafford	Fredericksburg.
McRae, Paul.....	McRae's	Cumberland	Cumberland.
Old, Wm. W., Jr...	Norfolk	Norfolk City.....	Norfolk.

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Ould, Eugene.....	Evington	Campbell	Evington.
Owen, J. J.....	Green Bay.....	Prince Edward....	Green Bay.
Owens, Edwin W..	Portsmouth	Norfolk County....	Portsmouth.
Parker, William G.	Portsmouth	Norfolk County....	Portsmouth.
Pendelton, Chas. S.	Hill Station.....	Scott	Gate City.
Person, J. E.....	Jarratt	Sussex	Jarratt.
Pettit, Pembroke...	Palmyra	Fluvanna	Columbia.
Peyton, Robt. E., Jr.	Richmond	Richmond City.....	Richmond.
Pitts, D. H.....	Scottsville	Albemarle	Scottsville.
Powell, Robert S..	Woodview	Brunswick	Broadnax.
Powers, D. B., Jr..	Port Royal.....	Caroline	Port Royal.
Prince, Jos. B.....	Courtland	Southampton	Courtland.
Puller, Ordway....	Richmond	Richmond City....	Richmond.
Pulliam, Willis C..	*Manchester	Manchester	Manchester.
Read, S. P.....	Palmers Spring....	Mecklenburg	Scott, N. C.
Rew, John R.....	Parksley	Accomac	Parksley.
Roberts, W. H.....	Wise	Wise	Wise.
Rogers, H. M.....	Mt. Crawford.....	Rockingham	Bridgewater.
Royall, J. Powell..	Tazewell	Tazewell	Tazewell.
Scott, H. Don.....	Monroe	Amherst	Monroe.
Slaughter, D. A....	Winston	Culpeper	Winston.
Snead, Geo. T.....	Pungo	Princess Anne.....	Princess Anne C. H.
Spessard, N. E.....	New Castle.....	Craig	New Castle.

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LIST OF MEMBERS—CONTINUED.

NAME.	POSTOFFICE.	CITY AND COUNTY.	TELEGRAPH STATION.
Stanfield, J. C.....	Holston, R. F. D...	Washington	Abingdon.
Sterrett, S. W.....	Hull	Highland	Bartow, W. Va.
Swift, Granville R.	Fredericksburg	Fredericksburg	Fredericksburg.
Sydnor, J. A.....	Mannboro	Amelia	Chula.
Taliaferro, Chas. C.	Orange	Orange	Orange.
Taliaferro, Jas. L..	Gloucester	Gloucester	Gloucester.
Thornhill, A. B....	Bent Creek.....	Appomattox	Gladstone.
Throckmorton, C. W	Richmond	Henrico	Richmond.
Trolinger, Jas. T...	Pulaski	Pulaski	Pulaski.
Walker, Silas H...	Weyers Cave.....	Augusta	Cave Station.
Wallace, E. P.....	Double Bridge.....	Lunenburg	Meherrin.
West, Thos. S.....	Bellevue	Bedford	Bellevue.
Whitehead, Geo. W.	Roseland	Nelson	Arrington.
Wilkins, J. T., III..	Eastville	Northampton	Eastville.
Williams, J. D.....	Glade Spring.....	Washington	Glade Spring.
Williams, Martin...	Pearisburg	Giles	Pearisburg.

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Wilson, Samuel H..	Byrdville	Pittsylvania	Cascade.
Wissler, J. H.....	Cedar Springs.....	Smyth	Rural Retreat.
Withers, Robert W.	Suffolk	Nansemond	Suffolk.
Young, Harvey....	Dryden	Lee	Pennington Gap.

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OFFICERS, ETC.

NAME.	OFFICE.	POST-OFFICE.	COUNTY AND CITY.	TELEGRAPH STATION.
Cardwell, W. D.	Speaker	Richmond.....	Hanover.....	Richmond.
Williams, John W.	Clerk & K. of R...	Pearisburg.....	Giles.....	Pearisburg.
Bigger, Thos. H.	Assistant Clerk..	Richmond.....	Richmond City.	Richmond.
Gooch, W. S....	Enrolling Clerk...	Louisa.....	Louisa.....	Louisa.
Lindsay, George.	Journal Clerk.....	Pinners.....	Norfolk Co.....	Pinners.
Owen, H. B.....	Reading Clerk....	Manchester....	Manchester....	Manchester.
Loving, John T.	Committee Clerk..	Pulaski City...	Pulaski.....	Pulaski.
Burger, John W.	Committee Clerk..	Natural Bridge.	Rockbridge....	Nat. Bridge.
Lowry, Landon.	Committee Clerk..	Bedford City...	Bedford.....	Bedford City.
Johnson, R. M.	Committee Clerk..	Newport News.	Newport News.	Newp't News.
Birrell, J. Fred.	Committee Clerk..	Alexandria.....	Alexandria City	Alexandria.
Burnley, W. S...	Committee Clerk..	Charlottesville.	Charlottesville.	Charlottesv'e.
Johnston, J. M.	Sergeant-at-Arms .	Murat.....	Rockbridge....	Lexington.
Newhouse, S. M.	Doorkeeper	Rixeyville.....	Culpeper.....	Culpeper.
Lipscomb, P. E.	Doorkeeper	Cumnor.....	King and Queen	West Point.

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Sheild, Walter B.	Page	Richmond.....	Richmond City.	Richmond.
Bahen, Andrew..	Page	Richmond.....	Richmond City.	Richmond.
Boyle, Marshall.	Page	Richmond.....	Richmond City.	Richmond.
Cosby, W. W., Jr.	Page	Richmond.....	Richmond City.	Richmond.
Smith, Thos. A..	Page	Richmond.....	Henrico.....	Richmond.
Moss, P. Harris.	Page	Buckingham...	Buckingham...	Buck'm C. H.
Hawkins, J. L...	Page	Fredericksburg.	Fredericksburg.	Fredericksb'g.
Cousins, L. G.*..	Page	Callands.....	Pittsylvania...	Chatham.
Truslow, Chester	Page	Falmouth.....	Stafford.....	Fredericksb'g.

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House Standing Committees.

Privileges and Elections—Messrs. Caton, Lowry, Lewis, Person, Lion, Baker, Brown, Glenn, of *Richmond city,* Louderback, McRae, Wallace, Royall, Bowman, of *Shenandoah. Clerk*—T. Fred. Birrell.

Courts of Justice—Messrs. Byrd, Early, Lee, Lion, Coleman, Caton, Pettit, Green, of *Charlotte,* Massie, Mason, Pulliam, Gregory, Royall. *Clerk*—Landon Lowry.

Schools and Colleges—Messrs. Early, Read, Ould, of *Campbell,* Mitchell, Old, of *Norfolk city,* Curlett, Johnson, of *Warren,* Williams, of *Giles,* Dunn, Haley, Good, Coleman, Royall. *Clerk*—W. Sam Burnly.

General Laws—Messrs. Cox, Withers, Bland, Powers, Swift, Puller, Clement, Booker, Moncure, Williams, of *Giles,* Taliaferro, of *Gloucester,* Glenn, of *Richmond city,* Throckmorton. *Clerk*—H. B. Owen.

Roads and Internal Navigation—Messrs. Churchman, Green, of *Fauquier,* Clarke, Thornhill, Parker, Mitchell, Bland, Dunn, Withers, Throckmorton Taliaferro, of *Orange,* Roberts, Hillenberg. *Clerk*—John W. Burger.

Finance—Messrs. Bowman, of *Roanoke,* Jennings, Walker, Sterrett, Spessard, Baker, Byrd, Parker, Pitts, Houston, Johnston, of *Montgomery,* Owen, of *Prince Edward,* Peyton, Wilson, Wissler. *Clerk*—W. Sam Burnly.

Claims—Messrs. Lion, Ould, of *Campbell,* Lowry, Rew, Person, Booker, Good, Guerrant, Houston, Lane, Love, Lindsey, Eller. *Clerk*—R. M. Johnson.

Militia and Police—Messrs. Lee, Owens, of *Norfolk county,* Howle, Gill, Pitts, Houston, Peyton, Taliaferro, of *Gloucester,* Barham, Whitehead, Baker, of *Henry,* Wallace, Bowman, of *Shenandoah,* Barnard. *Clerk*—Landon Lowry.

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Asylums and Prisons—Messrs. Snead, Powell, Scott, Rogers, Ould, of *Campbell,* Barker, of *Botetourt,* Williams of *Washington,* Barham, Cochran, Pulliam, Gill, Wissler, Cornett. *Clerk*—John W. Burger.

Labor and the Poor—Messrs. Walker, Owen, of *Prince Edward,* Gaines, Puller, Rew, McRae, Louderback, Sydnor, West, Glenn, of *Halifax,* Stanfield, Hillenberg, Eller. *Clerk*—John T. Loving.

Public Property—Messrs. Green, of *Fauquier,* Walker, Howle, Scott, Snead, Barrett, Glenn, of *Halifax,* Cochran, Johnston, of *Montgomery,* Massie, Pitts, Meade, Young. *Clerk*—W. Sam Burnly.

Banks, Currency and Commerce—Messrs. Powell, Owens, of *Norfolk county,* Rogers, Brown, Clarke, Green of *Charlotte,* Love, Powers, West, Whitehead, Haley, Pendleton. *Clerk*—Landon Lowry.

Agriculture and Mining—Messrs. Owen, of *Prince Edward,* Bowman, of *Roanoke,* Slaughter, Rogers, Taliaferro, of *Orange,* Barker, of *Henry,* Guerrant. Trolinger, West, Glenn, of *Halifax,* Johnson, of *Warren,* Roberts, Bowman, of *Shenandoah. Clerk*—Landon Lowry.

Manufactures and Mechanic Arts—Messrs. Owens, of *Norfolk county,* Sterrett, Spessard, Early, Scott, Good, Swift, Whitehead, Pulliam, Stanfield, Sydnor, Barnard, Cornett. *Clerk*—John T. Loving.

Counties, Cities and Towns—Messrs. Jennings, Parker, Brown, Gwathmey, Louderback, Reed, Barrett, Puller, Sydnor, Slaughter, Wilkins, Snead, Eller. *Clerk*—T. Fred Birrell.

Officers and Offices at the Capitol—Messrs. Clarke, Coleman, Wilkins Barrett, Taliaferro, of *Orange,* Clement, Williams, of *Washington,* Mason, Moncure, Pettit, Powers, Lindsey, Pendleton. *Clerk*—John T. Loving.

Executive Expenditures—Messrs. Slaughter, Jen-

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nings, Mitchell, Bowman, of *Roanoke*, Barker, of *Botetourt*, Person, Glenn, of *Halifax*, Gill, Williams, of *Washington*, Love, Old, of *Norfolk city*, Prince, Barnard. *Clerk*—T. Fred. Birrell.

Retrenchment and Economy—Messrs. Spessard, Sterrett, Churchman, Cox, Gregory, Haley, Love, Peyton, Prince, Trolinger, Williams, of *Giles*, Hillenberg, Cornett. *Clerk*—John T. Loving.

Federal Relations—Messrs. Reed, Lee, Powell, Wilson, Barker, of *Henry*, Johnston, of *Montgomery*, Booker, Johnson, of *Warren*, Green, of *Charlotte*, Massie, Barham, Young, Wissler. *Clerk*—R. M. Johnson.

Enrolled Bills—Messrs. Withers, Thornhill, Curlett, Gaines, Barham, Gregory, Guerrant, Swift, Wallace, Wilkins, Gwathmey, Meade, Pendleton. *Clerk*—W. S. Gooch.

Immigration— Messrs. Lewis, Cox, Pettit, Clement, Throckmorton, Cochran, Trolinger, Wilson, Stanfield, Moncure, Barker, of *Botetourt*, Cornett, Eller. *Clerk*—John W. Burger.

Chesapeake and its Tributaries—Messrs. Rew, Snead, Howle, Pettit, Thornhill, Lane, Curlett, Taliaferro, of *Gloucester*, Wilkins, Mason, Dunn, Love, Roberts. *Clerk*—R. M. Johnson.

House Expenses—Messrs. Thornhill, Caton, Williams, of *Giles*, McRae, Pendleton. *Clerk*—Thos. H. Bigger.

Rules—Messrs. Speaker, *ex-officio*, Churchman, Lee, Caton, Byrd. *Clerk*—Clerk of House of Delegates.

Library—Messrs. Baker, Lane, Swift, Bland, Pendleton. *Clerk*—H. B. Owen.

Printing—Messrs. Clarke, Houston, Gaines, Sydnor, Lindsey. *Clerk*—John W. Burger.

Special, Private and Local Legislation—Messrs. Lowry, Lewis, Glenn, of *Richmond city*, Gwathmey, Old, of *Norfolk city*, Prince, Royall. *Clerk*— Bruce Banks.

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Rules of the House of Delegates.

I.

ORGANIZATIONS—ELECTIONS.

1. At the elections in the House, the voting shall be *viva voce*, and the vote recorded in the Journal, and only one person shall be chosen at a time. If on the first voting no one receives a majority, the person having the smallest number of votes shall not be voted for on the next trial, and so on until some one shall receive a majority of the whole vote. If the election be by joint vote of the two houses, messages shall be exchanged for each voting announcing the names of persons in nomination. A committee of three from each house shall compare the votes and ascertain and report the result.

THE SPEAKER.

2. "The House of Delegates shall choose its own Speaker." The Speaker may call any member to the chair, who shall exercise its functions for the time; but no member by virtue of such appointment shall preside for a longer time than three days. During such substitution the Speaker may participate in the debates. If the Speaker be absent, and have named no one to act in his stead, the duties shall be performed by the chairman of one of the standing committees, taking precedence in the order in which the committees are named in Rule 16.

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3. The Speaker shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the House to order, and a quorum being present, shall cause the Journal of the preceding day to be read. Any mistakes in the entries shall, upon motion, then be corrected.

4. The Speaker shall have power to supervise and correct the Journal before it is read. He shall have a general direction of the hall, with power, in case of disturbance or disorderly conduct in such part thereof as may be appropriated to spectators, to have the same cleared. Stenographers and reporters for the press, wishing to take down the proceedings of the House, may be admitted by the Speaker, who shall assign them to such places on the floor as shall not interfere with the convenience of members.

5. All acts, addresses and joint resolutions shall be signed by the Speaker; and all writs and warrants issued by order of the House shall be under his hand and seal, attested by the Clerk.

6. A clerk shall be elected by the House, and shall be deemed to continue in office until another is chosen. He shall appoint an assistant clerk, an enrolling clerk, a journal clerk, a reading clerk,, the janitors for the hall and offices, and shall subject to the approval of the Speaker, appoint the six committee clerks proshall be deemed to continue in office until vided for by law. He shall be charged with the whole clerical business of the House and of its committees, and shall see that the committee clerks discharge properly the duties

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required of them by the several committees to which they are assigned, and that, when not so employed, they render such assistance as may be required to other committees and in the business of the House. The several clerks and janitors may be removed by the Clerk of the House, with the approval of the Speaker, and the committee clerks shall be so removed upon the request of the committees to which they are severally assigned.

7. The Clerk shall perform all the duties of his office under the direction of the Speaker. He shall keep a Journal of the proceedings of the House, and shall submit it daily to the Speaker in time to be examined before the next assembling of the House. He shall keep at the Clerk's table, during the sittings of the House, a calendar or docket so arranged as to show the condition and progress of the business of the House, which said calendar shall be printed each day and laid on the desk of each member at the opening of the session.

8. He shall keep accounts of the compensation of the members and officers of the House, and shall from time to time certify the same to the Auditor. He shall provide the stationery required for the business of his office and of the House and for the use of the members during the session; but the amount furnished to each member shall not exceed in value five dollars a session. The claim of the Clerk for such supplies, when approved by the Committee on House Expenses, shall be certified by the Speaker to the Auditor. He shall keep detailed accounts of all these transactions in a book to be provided for the purpose, which shall be at

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all times open to inspection by members of the House.

SERGEANT-AT-ARMS.

9. A Sergeant-at-Arms shall be elected by the House, and shall contiue in office during its pleasure. He shall have as his assistants two doorkeepers, who shall be elected by the House, and six pages, to be appointed by the Speaker, who shall receive as compensation one-half the amount provided by law for a doorkeeper.

10. He shall, with his assistants, attend upon the House during its sitting, and shall execute its commands, together with all such process, issued by its authority, as shall be directed to him by the Speaker.

11. He shall, under the direction of the Speaker, have charge of the police of the hall, and shall prevent any interuption of the business of the House by disorder, within or without. He shall distribute among the members all papers printed for their use, and shall give such attendance upon them during the sittings of the House as will promote their comfort and facilitate the business of the House.

12. He shall procure for the members, when required, certificates for pay and mileage. and, at their request and upon their endorsement, shall collect and pay over to those entitled the money due upon such certificates.

13. He shall attend to receiving and dispatching all mail or telegraphic matter intended for or sent by members, and shall make such arrangement therefor as to promote the convenience of the members.

OATHS OF OFFICE.

14. The oaths which the officers of the House

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are required by law to take shall be administered and certified by a justice of the peace or notary public, and be filed with the Clerk of the House.

COMMITTEES.

15. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House, in which case they shall be appointed by ballot, and a plurality of votes shall prevail. The first-named member of any committee shall be the chairman, and if he be absent, or be excused by the House, the next named member, and so on, unless the committee elect a chairman.

16. At the begining of each regular session there shall be appointed standing committees, to consist of not less than nine nor more than thirteen members (except the Finance Committee, which shall consist of fifteen members). as follows:

1. Privileges and Elections.
2. Courts of Justice.
3. Schools and Colleges.
4. General Laws.
5. Roads and Internal Navigation.
6. Finance.
7. Claims.
8. Militia and Police.
9. Asylums and Prisons.
10. Labor and the Poor.
11. Public Property.
12. Banks, Currency and Commerce.
13. Agriculture and Mining.
14. Manufactures and Mechanic Arts.

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15. Counties, cities and Towns.
16. Officers and Offices at the Capitol.
17. Executive Expenditures.
18. Retrenchment and Economy.
19. Federal Relations and Resolutions.
20. Enrolled Bills.
21. Immigration.
22. Chesapeake and its Tributaries.

17. Also a standing committee to consist of five members, to be called the Committee on House Expenses. It shall be the duty of this committee to examine from time to time the accounts kept by the Clerk, with the members and officers of the House, and to decide all questions arising in relation thereto, subject to an appeal to the House. No account for printing, stationery, or any other expenses of the House shall be certified for payment without the previous approval of this committee.

18. Also a standing committee on rules, to consist of five members, including the Speaker, who shall be chairman of the committee.

19. Also a standing committee on the Library, to consist of five members; one on Printing, to consist of three members; one on Special, Private and Local Legislation, to consist of seven members, and one on Auditing, to consist of three members. These committees, when acting with like committees from the Senate, shall constitute the "Library Committee," the "Committee on Printing," the "Committee on Special, Private and Local Legislation," and the "Auditing Committee," provided for by law and the Constitution, but in all other respects the Library Committee and the Committee on Printing shall act as committees of the House.

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20. Any committee of the House may, at their discretion, confer with a committee of the Senate having under consideration the same subject; nor shall any select committee be appointed to consider any subject falling properly within the province of a standing committee.

21. After the minimum number required for any committee has been appointed, the Speaker may, from time to time, at his discretion, fill it up to the maximum allowed by the rules, which shall in no case be exceeded.

22. Five members of any committee, or a majority, if less than five, shall constitute a quorum. Each committee shall appoint its own regular meetings; and it shall be the duty of a committee to meet on a call of any two of its members, if the chairman be absent or decline to appoint such meeting; but no committee shall sit during the sitting of the House without special leave.

23. The several standing committees shall not only consider and report upon the matters specially referred to them, but shall, whenever practicable, suggest such legislation as will provide upon general principles for all similar cases. And it shall be the duty of each committee to inquire into the condition and administration of the laws relating to the subjects which they have in charge; to investigate the conduct and look to the responsibility of all public officers and agents concerned, and to suggest such measures as will correct abuses, protect the public interests, and promote the public welfare.

24. Committees shall in all cases report by bill or resolution in such form that, if passed or agreed to, it will carry into effect their recom-

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mendation. Every such bill shall be printed; but no papers returned therewith shall be printed unless the committee shall so recommend.

COMMITTEE OF THE WHOLE.

25. When the House shall go into the committee of the whole, the Speaker may vacate the chair and call some member to preside in committee; the other officers shall attend, and the rules of the House shall be observed and enforced in committee, as far as applicable, except that the previous question shall not be ordered.

26. If the committee arise before the consideration of the subject referred is concluded, the same shall be reported back and have its place in order as unfinished business of the House. When it shall be again reached in order, unless it be otherwise disposed of, the House, after making such orders as it may deem proper in relation to the business before the committee, shall stand again resolved into the committee of the whole, and so on until the business therein be disposed of.

27. Nothing shall be in order in the committee of the whole except such matters as may be specially referred to it by the House.

28. Whenever the committee of the whole shall find itself without a quorum, the chairman shall cause the roll to be called, and thereupon the committee shall rise, and the chairman shall report the fact and the names of the absentees, which shall be entered upon the Journal of the House.

29. The motion to go into committee of the

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whole, and the motion to discharge the committee shall not be debated.

II.

ATTENDANCE AND ADJOURNMENT.

30. No member shall absent himself from the service of the House unless he have leave or be sick or unable to attend.

31. Any ten members or more (including the Speaker, if there be one, and he be present,) shall be authorized to compel the attendance of absent members by a call of the House.

32. Upon the roll of the House the names of the members shall in all cases be arranged and called in alphabetical order, except that the Speaker shall be called last.

33. Upon a call of the House the names of the members shall be first called over by the Clerk and the absentees noted; after which the names of the absentees shall be again called over; the doors shall then be shut, and those for whom no excuse, or insufficient excuses, are made may, by order of those present, if ten in number, be taken in custody as they appear, or may be sent for and taken into custody, wherever to be found, by the Sergeant-at-Arms or his assistants, or by special messengers to be appointed for that purpose.

34. When a member shall be discharged from custody, and admitted to his seat, the House shall determine whether such discharge shall be with or without payment of fees and expenses.

35. Any member or members may adjourn from day to day. A motion to adjourn, and a

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motion to fix the time for which the House will adjourn, shall always be in order, and shall be decided without debate.

III.

INTRODUCTION OF BUSINESS.

36. Messages from the Governor and reports and communications (except petitions and memorials), from any other public officer or agent may be received at any time, and if, in the judgment of the Speaker, they require immediate action, may be brought at once to the attention of the House; otherwise they shall lie upon the Speaker's table and be disposed of in the morning hour. The same rule shall be observed with regard to messages from the Senate.

37. Members having petitions, memorials, resolutions, or bills to present may, at any time, hand them to the Clerk, endorsed with their names, and the reference or disposition desired. The Clerk shall, under the direction of the Speaker, refer all such papers to the proper committees, and enter the fact, with the names of the members presenting them, upon the Journal.

38. No petition, memorial, bill, joint resolution, or resolution calling for information from the Governor or other public officer or agent, shall be introduced, considered or acted upon, otherwise than is provided by the preceding rule, until it shall have been examined and reported upon by a committee.

39. Any other resolution or motion upon which a member may desire the judgement of

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the House, or any action other than a reference to a standing committee, may be presented to the House in the morning hour, after the business on the Speaker's table is disposed of.

40. Reports of committees may be handed to the Clerk at any time. He shall endorse upon them the time at which they are received, and place them upon the Speaker's table, to be disposed of in the morning hour. If, in the judgement of the Speaker, any report of a committee requires immediate action, he may bring it to the attention of the House at any time.

IV.

ORDER OF BUSINESS—THE MORNING HOUR.

41. After the reading of the Journal, one hour, to be called the "morning hour," shall be devoted to the dispatch of business upon the Speaker's table and to resolutions presented under Rule 39. The business on the Speaker's table shall be disposed of in such order as the Speaker shall deem best, except as may be herein otherwise provided, or as the House may at any time order.

42. The annual message of the Governor shall be laid before the House as soon as it is received. It shall be printed for the use of the House, and shall be considered by the several standing committees without any special order therefor.

43. All other messages from the Governor shall, unless the House otherwise order, be referred by the Speaker to the proper committees. And the same rule shall be observed as to reports and communications from other public officers.

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44. Bills and joint resolutions sent from the Senate shall be referred by the Speaker to the proper committees. All other messages from the Senate shall, unless the House otherwise order, be referred by the Speaker to the proper committees.

45. All bills and joint resolutions reported from committees shall be transferred at once to the calendar in the order in which they are reported. All those reported for the first time shall be numbered in the order in which they were handed to the Clerk, and transferred to the calendar.

46. All other reports from committees shall be considered and disposed of in the order in which the Speaker shall present them, unless the House shall in any case otherwise direct.

47. A member presenting a resolution under Rule 39 shall be allowed five minutes in which to explain his wishes in relation to it; after which the question on referring to a standing committee shall be taken without debate. If the House refuses to refer, the resolution shall be considered and disposed of.

48. Printing recommended by committees under Rule 24 shall be ordered by the Speaker, unless the House shall otherwise direct. Under such order no more copies of any document shall be printed than is provided by law; nor shall more than two hundred and thirty copies be printed of any bill, resolution, petition, or memorial without the special order of the House.

THE CALENDAR.

49. At the expiration of the morning hour, or sooner if the business of the morning hour has

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been disposed of, the House shall proceed to consider bills and joint resolutions upon the calendar, in the following order:

1st. House bills on their first reading.

2d. Senate bills on their first reading.

3d. Pending motions to reconsider, relating to business proper for the calendar.

4th. The unfinished business of the preceding day.

5th. House bills, etc., returned from the Senate with amendments, in the order in which they were transferred to the calendar.

6th. Senate bills on third reading.

7th. Engrossed House bills, etc., in the order in which they passed to their engrossment.

8th. Senate bills on their second reading.

9th. House bills, etc., on their second reading in the order in which they are numbered.

50. It shall be the duty of the Clerk to see that the printing and engrossing, when ordered, shall be done in such time that the bills,etc., may be acted upon according to their priorities upon the calendar. If, however, any bill, etc., shall not be ready when it is reached upon the calendar, it shall be passed by, and be allowed to retain its place upon the calendar.

51. When the calendar has been called through, it may be called again in order to dispose of any business that may be ready, and if there be none such the business of the morning hour shall be resumed and disposed of; but the business of the calendar shall in no case be allowed to interfere with that of the morning hour without the unanimous consent of the members present.

52. The regular order of business herein established shall not be changed, nor shall any

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special order be made, except by a vote of two-thirds of the members present; but a majority may postpone the calendar, not exceeding one day at a time, or may pass by any subject coming up in order, without changing its place, or may agree to a joint order with the Senate, or may postpone or discharge any special order.

V.

CONDUCT OF BUSINESS—ORDER AND DECORUM.

53. The Speaker shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order without debate, subject to an appeal to the House. If the decision relate to a question of decorum or propriety of conduct, it shall not be debatable; if it relate to the priority of business, or the relevancy or applicability of propositions, the appeal may be debated, but no member shall speak on it more than once, except by leave of the House.

54. When a member rises to speak he shall respectfully address, "Mr. Speaker," standing in his place; he shall confine himself strictly to the question before the House, and when he has finished he shall sit down.

55. When two or more members rise at the same time, the Speaker shall name the person to speak, but in all cases the member who shall first rise and address the chair shall speak first.

56. Every motion or proposition shall be reduced to writing, if desired by the Speaker or any member, and shall be delivered in at the Clerk's table, to be there read; and the question shall be stated by the chair before the same

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shall be debated. When the reading of any paper in possession of the House, and not being the precise matter upon which the House is acting, is called for, and objection is made by any member, the question shall be determined by a vote of the House without debate. Any motion or proposition may be withdrawn by the mover at any time before a decision, amendment, or other action of the body upon it, except a motion to reconsider, which shall not be withdrawn without leave of the House.

57. No member shall in debate use any language or gesture calculated to wound, offend, or insult another member.

58. If any member, in speaking, transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case the member called to order shall immediately take his seat, unless permitted to explain. If there be no appeal, the decision of the chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not proceed, except by leave of the House. For flagrant or repeated violations of order, especially if persisted in after the admonition of the Speaker, a member shall be liable to the censure of the House.

59. If any member be called to order by another member for words spoken, the words excepted to shall be immediately taken down in writing, in order that the Speaker and House may be better able to judge the matter.

60. No member shall, while the House is sitting, interrupt or hinder its business by standing up, leaving his place, moving about the hall, engaging in conversation, expressing ap-

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proval or disapproval of any of the proceedings, or by any other conduct tending to disorder and confusion.

61. In any one debate upon the same question, no member shall speak more than once till all others have spoken who desire to do so, nor more than twice, without the consent of a majority of the members present.

ASCERTAINING THE QUESTION.

62. If the question for decision include several distinct propositions, any member may have the same divided; but a motion to strike out and insert shall not be so divided; nor shall a motion to strike out, being lost, preclude either amendment or a motion to strike out and insert. In filling blanks, the question shall be put first upon the largest sum and the longest time. No motion or proposition, or subject different from that under consideration, shall be admitted under color of amendment.

63. When a question is before the House no motion shall be received unless specially provided for, except to adjourn, to pass by, to lay upon the table, to postpone for a specified time or purpose, to commit or amend, to dismiss; which several motions shall have precedence in the order in which they are arranged. If the motion to pass by, or to lay upon the table, or to postpone, shall prevail, a motion to print shall be in order before proceeding to the consideration of another subject, but shall be decided without debate.

64. Upon the motion to pass by, the mover shall be allowed two minutes to state the reason for his motion, and one member opposed to the

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motion shall be allowed a like time to object. The motion to lay upon the table, for the previous question, and for the pending question, shall not be debated; nor shall debate be allowed on a motion to take up a subject from the table, or to reconsider any question which was not debatable. When a question not debatable is before the House, all incidental questions arising after it is stated to the House shall be decided and settled, whether on appeal or otherwise, without debate; and the same rule shall apply to incidental questions arising after any question is put to the House.

PENDING AND PREVIOUS QUESTIONS.

65. Pending a debate, any member who obtains the floor for that purpose only, and submits no other motion or remark, may move for the "previous question" or the "pending question," and in either case the motion shall be forthwith put to the House. Two-thirds of the members present shall be required to order the main question; but a majority may require an immediate vote upon the pending question, whatever it may be.

66. The previous question shall be in this form: "Shall the main question now be put?" If carried, its effect shall be to put an end to all debate and bring the House to a direct vote upon a motion to commit, if pending; then upon amendments reported by a committee, if any; then upon pending amendments, and then upon the main question. If, upon the motion for the previous question, the main question be not ordered, debate may continue as if the motion had not been made.

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TAKING THE VOTE.

67. The Speaker shall rise to put a question, but may state it sitting. Questions shall be distinctly put in the following form—viz: "As many as agree that, etc. (as the question may be); say Aye"; and after the affirmative vote is given, "Those opposed say No." If the Speaker doubts, or a division is called for, the House shall divide, those in the affirmative of the question rising first from their seats, and afterwards those in the negative. If required, the Speaker shall cause the result to be ascertained by a count.

68. The yeas and nays on any question may be called for at any time before proceeding to another question or proposition, but being once refused, they shall not be again demanded on the same question; and any member shall have a right to vote at any time before the decision is announced by the chair.

69. Upon a division of the House on any question, a member who is present and fails to vote shall, on the demand of any member, be counted on the negative of the question; and when the yeas and nays are taken shall, in addition, be entered on the Journal as present and not voting. But no member who has an immediate and special personal interest in the result of the question shall either vote or be counted upon it.

RECONSIDERATION.

70. When a question has been decided, it may be reconsidered on the motion of any member who voted with the prevailing side; provided it be made on the same day or within the

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next two days of actual session. The motion may be entered as a matter of privilege, and shall take precedence of everything except special orders and other questions of privilege, and be disposed of in the morning hour or with the calendar, as the case may be. All motions to reconsider shall be decided by a majority of the votes of the members present.

BILLS, ETC.

71. Every bill shall be read at length on three different calendar days in the House previous to its being passed, and it shall be distinctly announced at each reading whether it is the first, second or third time.

72. The first reading of a bill shall be for information merely, and it shall go to second reading without a question.

73. Upon the second reading of a bill, it shall be open to amendment or commitment, or to any of the motions provided for in Rule 63; and the final question shall be, "Whether it shall be engrossed and read a third time."

74. A bill ordered to be engrossed shall not have its third reading until the engrossment is actually and properly done; but, in the case of a Senate bill, the engrossment shall only apply to such amendments as may have been made in the House.

75. No amendment to a bill shall be received upon its third reading by way of rider or otherwise; and no amendment involving an additional appropriation shall be added to the general appropriation bill, unless to carry into effect an existing law, or unless it receives the vote required to pass the bill itself. But a bill may at any time before its passage be com-

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mitted or recommitted, and when reported back shall be placed on the calendar, and if amended shall, whether on its second or third reading, be engrossed, as may be necessary.

76. On the third reading of a bill, the question shall be, "Shall the bill pass?"

77. The title of a bill, and such parts thereof only as shall be affected by the proposed amendments, shall be entered upon the Journal.

78. Joint resolutions intended to express the opinions, wishes or purposes of the General Assembly upon any matter not connected with the preparation, direction or conduct of its business shall be introduced, considered and disposed of in all respects as provided in regard to bills.

PETITIONS.

79. Petitions of private nature, once rejected, shall not be heard again unless upon new evidence, and not oftener than once under any circumstances.

80. If a petition or memorial relate to a subject of local interest, as the division of a county, the establishment of a ferry, or the like it shall not be allowed until it shall appear that the intention to present such a petition or memorial has been duly and fairly made known to the community to be affected.

81. If it relate to a matter of private right or interest, it shall appear that the parties to be affected have had notice at least equal to that required by law in regard to matters to be transacted in a court of justice.

82. No petition shall be allowed claiming a sum of money or praying the settlement of unliquidated accounts alleged to be due from the

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State, unless it be accompanied by a certificate of the executive or auditor stating why the claim has not been allowed and paid.

83. The same objections shall apply to acting upon such matters by bill or resolution without petition or memorial; and the several committees of the House will be charged with the duty of reporting specially on these points in connection with any action proposed to be taken on such subjects.

84. Original papers filed as exhibits with any petition may be withdrawn by the petitioner, or upon his order, or his leaving attested copies, for which he shall pay the Clerk at the rate provided by law for other copies made by him.

MESSAGES.

85. It shall be the duty of the Clerk, without any special order therefor, to communicate to the Senate any action of the House upon business coming from the Senate, or upon matters requiring the concurrence of that body; but no such communication shall be made in relation to any action of the House while it remains open for consideration.

MANUAL AND RULES.

86. The rules of parliamentary practice comprise in Jefferson's Manual shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the rules of the House, and such joint rules as are, or may from time to time, be established by the two Houses of the General Assembly.

87. The rules of the House may be suspended

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by a vote of two-thirds of the members present, to be ascertained by an actual division of the House, except as prohibited by the Constitution: provided, that a motion to discharge a committee from the consideration of a bill shall require a majority of those voting, which shall include two-fifths of the members elected to the House, the vote thereon to be taken by yeas and nays and recorded in the Journal; and provided further, that a motion to dispense with the printing and reading of a bill, or either, shall not be entertained, except as provided by the Constitution. But a proposition to change a rule of the House shall be submitted in writing and forthwith printed. In its printed form it shall lie upon the Speaker's table for five days and be read to the House during the morning hour of each day during that time. At the expiration of five days it shall be ready for consideration, and may be adopted or rejected by a majority vote of the members present; provided, that as to all resolutions or bills which involve an appropriation or expenditure of money by the Commonwealth, or which may create a charge upon the treasury, the rules of the House shall not be changed or suspended, save by a vote of two-thirds of the members present, to be ascertained by an actual division of the House. Upon a motion to suspend a rule of the House, the mover shall be allowed two minutes to state the reasons for his motion, and one member opposed to the motion shall be allowed a like time to object.

HALL OF THE HOUSE OF DELEGATES.

88. During the session of the Legislature the

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hall of the House of Delegates shall be used for no other purpose than the regular sessions of the House, and for meetings of the committees and members of the Legislature on public affairs.

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CONSTITUTION OF VIRGINIA.

Whereas, pursuant to an act of the General Assembly of Virginia, approved March the fifth, in the year of our Lord nineteen hundred, the question, "shall there be a convention to revise the Constitution and amend the same?" was submitted to the electors of the State of Virginia, qualified to vote for members of the General Assembly, at an election held throughout the State on the fourth Thursday in May, in the year nineteen hundred, at which election a majority of the electors so qualified voting at said election did decide in favor of a convention for such purpose; and,

Whereas, the General Assembly at its next session did provide by law for the election of delegates to such convention, in pursuance whereof the members of this convention were elected by the good people of Virginia, to meet in convention for such purpose.

We, therefore, the people of Virginia, so assembled in Convention through our representatives, with gratitude to God for His past favors, and invoking His blessings upon the result of our deliberations, do ordain and establish the following revised and amended Constitution for the government of the Commonwealth:

ARTICLE I.

BILL OF RIGHTS.

A DECLARATION OF RIGHTS, made by the representatives of the good people of Virginia assembled in full and free Convention: which rights do pertain to them and their posterity, as the Basis and Foundation of Government.

Section 1. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

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Sec. 2. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

Sec. 3. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; of all the various modes and forms of government, that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and, whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal.

Sec. 4. That no man, or set of men, is entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of magistrate, legislator or judge to be hereditary.

Sec. 5. That the legislative, executive, and judicial departments of the State should be separate and distinct; and that the members thereof may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by regular elections, in which all or any part of the former members shall be again eligible, or ineligible, as the laws may direct.

Sec. 6. That all elections ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed, or deprived of, or damaged in, their property for public uses, without their own consent, or that of their representatives duly elected, or bound by any law to which they have not, in like manner, assented for the public good.

Sec. 7. That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

Sec. 8. That no man shall be deprived of his life, or liberty, except by the law of the land, or the judgment of his peers; nor shall any man be compelled in any criminal proceeding to give evidence against himself, nor be put twice in jeopardy for the same offence, but an appeal may be allowed to the Commonwealth in all prosecutions for the violation of a law relating to the State revenue.

That in all criminal prosecutions a man hath a right to

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demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty; provided, however, that in any criminal case, upon a plea of guilty, tendered in person by the accused, and with the consent of the attorney for the Commonwealth, entered of record, the court shall, and in a prosecution for an offence not punishable by death, or confinement in the penitentiary, upon a plea of not guilty, with the consent of the accused, given in person, and of the attorney for the Commonwealth, both entered of record, the court, in its discretion, may hear and determine the case, without the intervention of a jury; and, that the General Assembly may provide for the trial of offences not punishable by death, or confinement in the penitentiary, by a justice of the peace, without a jury, preserving in all such cases, the right of the accused to an appeal to and trial by jury in the circuit or corporation court; and may also provide for juries consisting of less than twelve, but not less than five, for the trial of offences not punishable by death, or confinement in the penitentiary, and may classify such cases, and prescribe the number of jurors for each class.

Sec. 9. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Sec. 10. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

Sec. 11. That no person shall be deprived of his property without due process of law; and in controversies respecting property, and in suits between man and man, trial by jury is preferable to any other, and ought to be held sacred; but the General Assembly may limit the number of jurors for civil cases in circuit and corporation courts to not less than five in cases now cognizable by justices of the peace, or to not less than seven in cases not so cognizable.

Sec. 12. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments; and any citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right.

Sec. 13. That a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural and safe defence of a free State; that standing armies, in

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time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

Sec. 14. That the people have a right to uniform government; and, therefore, that no government separate from, or independent of, the government of Virginia, ought to be erected or established within the limits thereof.

Sec. 15. That no free government, or the blessing of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.

Sec. 16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love and charity towards each other.

Sec. 17. The rights enumerated in this Bill of Rights shall not be construed to limit other rights of the people not therein expressed.

ARTICLE II.

ELECTIVE FRANCHISE AND QUALIFICATIONS FOR OFFICE.

Sec. 18. Every male citizen of the United States, twenty-one years of age, who has been a resident of the State two years, of the county, city, or town one year, and of the precinct in which he offers to vote, thirty days, next preceding the election in which he offers to vote, has been registered, and has paid his State poll taxes, as hereinafter required, shall be entitled to vote for members of the General Assembly and all officers elective by the people; but removal from one precinct to another, in the same county, city or town shall not deprive any person of his right to vote in the precinct from which he has moved, until the expiration of thirty days after such removal.

Sec. 19. There shall be general registrations in the counties, cities and towns of the State during the years nineteen hundred and two and nineteen hundred and three at such times and in such manner as may be prescribed by an ordinance of this Convention. At such registrations every male citizen of the United States having the qualifications of age and residence required in section Eighteen shall be entitled to register, if he be:

First. A person who, prior to the adoption of this Constitution, served in time of war in the army or navy of the

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United States, of the Confederate States, or of any State of the United States or of the Confederate States; or,

Second. A son of any such person; or,

Third. A person, who owns property, upon which, for the year next preceding that in which he offers to register, State taxes aggregating at least one dollar have been paid; or,

Fourth. A person able to read any section of this Constitution submitted to him by the officers of registration and to give a reasonable explanation of the same; or, if unable to read such section, able to understand and give a reasonable explanation thereof when read to him by the officers.

A roll containing the names of all persons thus registered, sworn to and certified by the officers of registration, shall be filed, for record and preservation, in the clerk's office of the circuit court of the county, or the clerk's office of the corporation court of the city, as the case may be. Persons thus enrolled shall not be required to register again, unless they shall have ceased to be residents of the State, or become disqualified by section Twenty-three. Any person denied registration under this section shall have the right of appeal to the circuit court of his county, or the corporation court of his city, or to the judge thereof in vacation.

Sec. 20. After the first day of January, nineteen hundred and four, every male citizen of the United States, having the qualifications of age and residence required in section Eighteen, shall be entitled to register, provided:

First. That he has personally paid to the proper officer all State poll taxes assessed or assessable against him, under this or the former Constitution, for the three years next preceding that in which he offers to register; or, if he come of age at such time that no poll tax shall have been assessable against him for the year preceding the year in which he offers to register, has paid one dollar and fifty cents, in satisfaction of the first year's poll tax assessable against him; and,

Second. That, unless physically unable, he make application to register in his own hand-writing, without aid, suggestion, or memorandum, in the presence of the registration officers, stating therein his name, age, date and place of birth, residence and occupation at the time and for the two years next preceding, and whether he has previously voted, and, if so, the State, county, and precinct in which he voted last; and.

Third. That he answer on oath any and all questions affecting his qualifications as an elector, submitted to him by the officers of registration, which questions, and his answers thereto, shall be reduced to writing, certified by

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the said officers, and preserved as a part of their official records.

Sec. 21. Any person registered under either of the last two sections, shall have the right to vote for members of the General Assembly and all officers elective by the people, subject to the following conditions:

That he, unless exempted by section Twenty-two, shall, as a prerequisite to the right to vote after the first day of January, nineteen hundred and four, personally pay, at least six months prior to the election, all State poll taxes assessed or assessable against him, under this Constitution, during the three years next preceding that in which he offers to vote; provided that, if he register after the first day of January, nineteen hundred and four, he shall, unless physically unable, prepare and deposit his ballot without aid, on such printed form as the law may prescribe; but any voter registered prior to that date may be aided in the preparation of his ballot by such officer of election as he himself may designate.

Sec. 22. No person who, during the late war between the States, served in the army or navy of the United States, or the Confederate States, or any State of the United States, or of the Confederate States, shall at any time be required to pay a poll tax as a prerequisite to the right to register or vote. The collection of the State poll tax assessed against any one shall not be enforced by legal process until the same has become three years past due.

Sec. 23. The following persons shall be excluded from registering and voting: Idiots, insane persons, and paupers; persons who, prior to the adoption of this Constitution, were disqualified from voting, by conviction of crime, either within or without this State, and whose disabilities shall not have been removed; persons convicted after the adoption of this Constitution, either within or without this State, of treason, or of any felony, bribery, petit larceny, obtaining money or property under false pretences, embezzlement, forgery, or perjury; persons who, while citizens of this State, after the adoption of this Constitution, have fought a duel with a deadly weapon, or sent or accepted a challenge to fight such duel, either within or without this State, or knowingly conveyed a challenge, or aided or assisted in any way in the fighting of such duel.

Sec. 24. No officer, soldier, seaman, or marine of the United States army or navy shall be deemed to have gained a residence as to the right of suffrage, in the State, or in any county, city or town thereof, by reason of being stationed therein; nor shall an inmate of any charitable institution or a student in any institution of learning, be regarded

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as having either gained or lost a residence, as to the right of suffrage, by reason of his location or sojourn in such institution.

Sec. 25. The General Assembly shall provide for the annual registration of voters under section Twenty, for an appeal by any person denied registration, for the correction of illegal or fraudulent registration, thereunder, and also for the proper transfer of all voters registered under this Constitution.

Sec. 26. Any person who, in respect to age or residence, would be qualified to vote at the next election, shall be admitted to registration, notwithstanding that at the time thereof he is not so qualified, and shall be entitled to vote at said election if then qualified under the provisions of this Constitution.

Sec. 27. All elections by the people shall be by ballot; all elections by any representative body shall be *viva voce*, and the vote recorded in the journal thereof.

The ballot-box shall be kept in public view during all elections, and shall not be opened, nor the ballots canvassed or counted, in secret.

So far as consistent with the provisions of this Constitution, the absolute secrecy of the ballot shall be maintained.

Sec. 28. The General Assembly shall provide for ballots without any distinguishing mark or symbol, for use in all State, county, city, and other elections by the people, and the form thereof shall be the same in all places where any such election is held. All ballots shall contain the names of the candidates, and of the offices to be filled, in clear print and in due and orderly succession; but any voter may erase any name and insert another.

Sec. 29. No voter, during the time of holding any election at which he is entitled to vote, shall be compelled to perform military service, except in time of war or public danger; to attend any court as suitor, juror, or witness; and no voter shall be subject to arrest under any civil process during his attendance at election or in going to or returning therefrom.

Sec. 30. The General Assembly may prescribe a property qualification not exceeding two hundred and fifty dollars for voters in any county or subdivision thereof, or city or town, as a prerequisite for voting in any election for officers, other than the members of the General Assembly, to be wholly elected by the voters of such county or subdivision thereof, or city, or town; such action, if taken, to be had upon the initiative of a representative in the General Assembly of the county, city or town affected: provided, that the General Assembly in its discretion may make such exemptions from the operation of said property qualification as shall not be in conflict with the Constitution of the United States.

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Sec. 31. There shall be in each county and city an electoral board, composed of three members, appointed by the circuit court of the county or the corporation court of the city, or the judge of the court in vacation. Of those first appointed, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years; and thereafter their successors shall be appointed for the full term of three years. Any vacancy occurring in any board shall be filled by the same authority for the unexpired term.

Each electoral board shall appoint the judges, clerks, and registrars of election for its county or city; and, in appointing judges of election, representation as far as possible shall be given to each of the two political parties which, at the general election next preceding their appointment, cast the highest and next highest number of votes.

No person, nor the deputy of any person, holding any office or post of profit or emolument, under the United States Government, or who is in the employment of such government, or holding any elective office of profit or trust in the State, or in any county, city, or town thereof, shall be appointed a member of the electoral board, or registrar, or judge of election.

Sec. 32. Every person qualified to vote shall be eligible to any office of the State, or of any county, city, town, or other subdivision of the State, wherein he resides, except as otherwise provided in this Constitution, and except that this provision as to residence shall not apply to any office elective by the people where the law provides otherwise. Men and women eighteen years of age shall be eligible to the office of notary public, and qualified to execute the bonds required of them in that capacity.

Sec. 33. The terms of all officers elected under this Constitution shall begin on the first day of February next succeeding their election, unless otherwise provided in this Constitution. All officers, elected or appointed, shall continue to discharge the duties of their offices after their terms of service have expired until their successors have qualified.

Sec. 34. Members of the General Assembly and all officers, executive and judicial, elected or appointed after this Constitution goes into effect, shall, before they enter on the performance of their public duties, severally take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Virginia ordained by the Convention which assembled in the city of Richmond on the twelfth day of June, nineteen hundred and one, and that I will faithfully

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and impartially discharge and perform all the duties incumbent on me as ————, according to the best of my ability; so help me God."

Sec. 35. No person shall vote at any legalized primary election for the nomination of any candidate for office unless he is at the time registered and qualified to vote at the next succeeding election.

Sec. 36. The General Assembly shall enact such laws as are necessary and proper for the purpose of securing the regularity and purity of general, local and primary elections, and preventing and punishing any corrupt practices in connection therewith; and shall have power, in addition to other penalties and punishments now or hereafter prescribed by law for such offences, to provide that persons convicted of them shall thereafter be disqualified from voting or holding office.

Sec. 37. The General Assembly may provide for the use, throughout the State or in any one or more counties, cities, or towns in any election, of machines for receiving, recording, and counting the votes cast thereat: provided, that the secrecy of the voting be not thereby impaired.

Sec. 38. After the first day of January, nineteen hundred and four, the treasurer of each county and city shall, at least five months before each regular election, file with the clerk of the circuit court of his county, or of the corporation court of his city, a list of all persons in his county or city, who have paid not later than six months prior to such election, the State poll taxes required by this Constitution during the three years next preceding that in which such election is held; which list shall be arranged alphabetically, by magisterial districts or wards, shall state the white and colored persons separately, and shall be verified by the oath of the treasurer. The clerk, within ten days from the receipt of the list, shall make and certify a sufficient number of copies thereof, and shall deliver one copy for each voting place in his county or city, to the sheriff of the county or sergeant of the city, whose duty it shall be to post one copy, without delay, at each of the voting places, and, within ten days from the receipt thereof, to make return on oath to the clerk, as to the places where and dates at which said copies were respectively posted; which return the clerk shall record in a book kept in his office for the purpose; and he shall keep in his office for public inspection, for at least sixty days after receiving the list, not less than ten certified copies thereof, and also cause the list to be published in such other manner as may be prescribed by law; the original list returned by the treasurer shall be filed and preserved by the clerk among the public records of his office for at least five years after receiving the same. Within thirty days

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after the list has been so posted, any person who shall have paid his capitation tax, but whose name is omitted from the certified list, may, after five days' written notice to the treasurer, apply to the circuit court of his county, or corporation court of his city, or to the judge thereof in vacation, to have the same corrected and his name entered thereon, which application the court or judge shall promptly hear and decide.

The clerk shall deliver, or cause to be delivered, with the poll-books, at a reasonable time before every election, to one of the judges of election of each precinct of his county or city, a like certified copy of the list, which shall be conclusive evidence of the facts therein stated for the purpose of voting. The clerk shall also, within sixty days after the filing of the list by the treasurer, forward a certified copy thereof, with such corrections as may have been made by order of the court or judge, to the Auditor of Public Accounts, who shall charge the amount of the poll taxes stated therein to such treasurer unless previously accounted for.

Further evidence of the prepayment of the capitation taxes required by this Constitution, as a prerequisite to the right to register and vote, may be prescribed by law.

ARTICLE III.

DIVISION OF POWERS.

Sec. 39. Except as hereinafter provided, the legislative, executive, and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to either of the others, nor any person exercise the power of more than one of them at the same time.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

Sec. 40. The legislative power of the State shall be vested in a General Assembly, which shall consist of a Senate and House of Delegates.

Sec. 41. The Senate shall consist of not more than forty and not less than thirty-three members, who shall be elected quadrennially by the voters of the several senatorial districts, on the Tuesday succeeding the first Monday in November.

Sec. 42. The House of Delegates shall consist of not more than one hundred and not less than ninety members, who shall be elected bi-ennially by the voters of the several house districts, on the Tuesday succeeding the first Monday in November.

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Sec. 43. The apportionment of the State into senatorial and house districts, made by the acts of the General Assembly, approved April the second, nineteen hundred and two, is hereby adopted; but a re-apportionment may be made in the year nineteen hundred and six, and shall be made in the year nineteen hundred and twelve, and every tenth year thereafter.

Sec. 44. Any person may be elected senator who, at the time of election, is actually a resident of the senatorial district and qualified to vote for members of the General Assembly; and any person may be elected a member of the House of Delegates who, at the time of election, is actually a resident of the house district and qualified to vote for members of the General Assembly. But no person holding a salaried office under the State government, and no judge of any court, attorney for the Commonwealth, sheriff, sergeant, treasurer, assessor of taxes, commissioner of the revenue, collector of taxes, or clerk of any court, shall be a member of either house of the General Assembly during his continuance in office, and the election of any such person to either house of the General Assembly, and his qualification as a member thereof, shall vacate any such office held by him; and no person holding any office or post of profit or emolument under the United States Government or who is in the employment of such government, shall be eligible to either house. The removal of a senator or delegate from the district for which he is elected, shall vacate his office.

Sec. 45. The members of the General Assembly shall receive for their services a salary to be fixed by law and paid from the public treasury; but no act increasing such salary shall take effect until after the end of the term for which the members voting thereon were elected; and no member during the term for which he shall have been elected, shall be appointed or elected to any civil office of profit in the State except offices filled by election by the people.

Sec. 46. The General Assembly shall meet once in two years on the second Wednesday in January next succeeding the election of the members of the House of Delegates and not oftener unless convened in the manner prescribed by this Constitution. No session of the General Assembly, after the first under this Constitution, shall continue longer than sixty days; but with the concurrence of three-fifths of the members elected to each house, the session may be extended for a period not exceeding thirty days. Except for the first session held under this Constitution, members shall be allowed a salary for not exceeding sixty days at any regular session, and for not exceeding thirty days at any extra session. Neither house shall, without the consent of the other, ad-

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journ to another place nor for more than three days. A majority of the members elected to each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and shall have power to compel the attendance of members in such manner and under such penalty as each house may prescribe.

Sec. 47. The House of Delegates shall choose its own speaker; and, in the absence of the Lieutenant-Governor, or when he shall exercise the office of Governor, the Senate shall choose from their own body a president *pro tempore*. Each house shall select its officers, settle its rules of procedure, and direct writs of election for supplying vacancies which may occur during the session of the General Assembly; but, if vacancies occur during the recess, such writs may be issued by the Governor, under such regulations as may be prescribed by law. Each house shall judge of the election, qualification, and returns of its members; may punish them for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Sec. 48. Members of the General Assembly shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the sessions of their respective houses; and for any speech or debate in either house shall not be questioned in any other place. They shall not be subject to arrest, under any civil process, during the sessions of the General Assembly, or the fifteen days next before the beginning or after the ending of any session.

Sec. 49. Each house shall keep a journal of its proceedings, which shall be published from time to time, and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Sec. 50. No law shall be enacted except by bill. A bill may originate in either house, to be approved or rejected by the other, or may be amended by either, with the concurrence of the other.

No bill shall become a law unless, prior to its passage, it has been,

(a) Referred to a committee of each house, considered by such committee in session, and reported;

(b) Printed by the house, in which it originated, prior to its passage therein;

(c) Read at length on three different calendar days in each house; and unless,

(d) A yea and nay vote has been taken in each house upon its final passage, the names of the members voting for and against entered on the journal, and a majority of those vot-

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ing, which shall include at least two-fifths of the members elected to each house, recorded in the affirmative.

And only in the manner required in subdivision (d) of this section shall an amendment to a bill by one house be concurred in by the other, or a conference report be adopted by either house, or either house discharge a committee from the consideration of a bill and consider the same as if reported; provided that the printing and reading, or either, required in subdivisions (b) and (c) of this section, may be dispensed with in a bill to codify the laws of the State, and in any case of emergency by a vote of four-fifths of the members voting in each house taken by the yeas and nays, the names of the members voting for and against, entered on the journal; and provided further, that no bill wnich creates, or establishes a new office, or which creates, continues, or revives a debt or charge, or makes, continues or revives any appropriation of public or trust money, or property, or releases, discharges or commutes any claim or demand of the State, or which imposes, continues or revives a tax, shall be passed except by the affirmative vote of a majority of all the members elected to each house, the vote to be by the yeas and nays, and the names of the members voting for and against, entered on the journal. Every law imposing, continuing or reviving a tax shall specifically state such tax and no law shall be construed as so stating such tax, which requires a reference to any other law or any other tax. The presiding officer of each house shall, in the presence of the house over which he presides, sign every bill that has been passed by both houses and duly enrolled. Immediately before this is done, all other business being suspended, the title of the bill shall be publicly read. The fact of signing shall be entered on the journal.

Sec. 51. There shall be a joint committee of the General Assembly, consisting of seven members appointed by the House of Delegates, and five members appointed by the Senate, which shall be a standing committee on special, private, and local legislation. Before reference to a committee, as provided by section Fifty, any special, private, or local bill introduced in either house shall be referred to and considered by such joint committee and returned to the house in which it originated with a statement in writing whether the object of the bill can be accomplished under general law or by court proceeding; whereupon, the bill, with the accompanying statement, shall take the course provided by section Fifty. The joint committee may be discharged from the consideration of a bill by the house in which it originated in the manner provided in section Fifty for the discharge of other committees.

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Sec. 52. No law shall embrace more than one object, which shall be expressed in its title; nor shall any law be revived or amended with reference to its title, but the act revived or the section amended shall be re-enacted and published at length.

Sec. 53. No law, except a general appropriation law, shall take effect until at least ninety days after the adjournment of the session of the General Assembly at which it is enacted, unless in case of an emergency (which emergency shall be expressed in the body of the bill), the General Assembly shall otherwise direct by a vote of four-fifths of the members voting in each house, such vote to be taken by the yeas and nays, and the names of the members voting for and against entered on the journal.

Sec. 54. The Governor, Lieutenant-Governor, Attorney-General, judges, members of the State Corporation Commission, and executive officers at the seat of government, and all officers appointed by the Governor or elected by the General Assembly, offending against the State by malfeasance in office, corruption, neglect of duty, or other high crime or misdemeanor, may be impeached by the House of Delegates, and prosecuted before the Senate which shall have the sole power to try impeachment. When sitting for that purpose, the senators shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the senators present. Judgment in case of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the State; but the person convicted shall nevertheless be subject to indictment, trial, judgment, and punishment according to law. The Senate may sit during the recess of the General Assembly for the trial of impeachments.

Sec. 55. The General Assembly shall by law apportion the State into districts, corresponding with the number of representatives to which it may be entitled in the House of Representatives of the Congress of the United States; which districts shall be composed of contiguous and compact territory containing, as nearly as practicable, an equal number of inhabitants.

Sec. 56. The manner of conducting and making returns of elections, of determining contested elections, and of filling vacancies in office, in cases not specially provided for by this Constitution, shall be prescribed by law, and the General Assembly may declare the cases in which any office shall be deemed vacant where no provision is made for that purpose in this Constitution.

Sec. 57. The General Assembly shall have power, by a two-thirds vote, to remove disabilities incurred under section

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Twenty-three, of Article Two, of this Constitution, with reference to duelling.

Sec. 58. The privilege of the writ of *habeas corpus* shall not be suspended unless when in cases of invasion or rebellion, the public safety may require. The General Assembly shall not pass any bill of attainder, or any *ex post facto* law, or any law impairing the obligation of contracts, or any law abridging the freedom of speech or of the press. It shall not enact any law whereby private property shall be taken or damaged for public uses, without just compensation. No man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and the same shall in no wise diminish, enlarge, or affect their civil capacities. And the General Assembly shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this State, to levy on themselves or others any tax for the erection or repair of any house of public worship, or for the support of any church or ministry; but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please.

Sec. 59. The General Assembly shall not grant a charter of incorporation to any church or religious denomination, but may secure the title to church property to an extent to be limited by law.

Sec. 60. No lottery shall hereafter be authorized by law; and the buying, selling, or transferring of tickets or chances in any lottery shall be prohibited.

Sec. 61. No new county shall be formed with an area of less than six hundred square miles; nor shall the county or counties from which it is formed be reduced below that area; nor shall any county be reduced in population below eight thousand. But any county, the length of which is three times its mean breadth, or which exceeds fifty miles in length, may be divided at the discretion of the General Assembly.

Sec. 62. The General Assembly shall have full power to enact local option or dispensary laws, or any other laws controlling, regulating, or prohibiting the manufacture or sale of intoxicating liquors.

Sec. 63. The General Assembly shall confer on the courts power to grant divorces, change the names of persons, and direct the sale of estates belonging to infants and other

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persons under legal disabilities, and shall not, by special legislation, grant relief in these or other cases of which the courts or other tribunals may have jurisdiction. The General Assembly may regulate the exercise by courts of the right to punish for contempt. The General Assembly shall not enact any local, special, or private law in the following cases:

1. For the punishment of crime.
2. Providing a change of venue in civil or criminal cases.
3. Regulating the practice in, or the jurisdiction of, or changing the rules of evidence in any judicial proceedings or inquiry before, the courts or other tribunals, or providing or changing the methods of collecting debts or enforcing judgments, or prescribing the effect of judicial sales of real estate.
4. Changing or locating county seats.
5. For the assessment and collection of taxes, except as to animals which the General Assembly may deem dangerous to the farming interests.
6. Extending the time for the assessment or collection of taxes.
7. Exempting property from taxation.
8. Remitting, releasing, postponing, or diminishing any obligation or liability of any person, corporation, or association, to the State or to any political subdivision thereof.
9. Refunding money lawfully paid into the treasury of the State or the treasury of any political subdivision thereof.
10. Granting from the treasury of the State, or granting or authorizing to be granted from the treasury of any political subdivision thereof, any extra compensation to any public officer, servant, agent, or contractor.
11. For conducting elections or designating the places of voting.
12. Regulating labor, trade, mining or manufacturing, or the rate of interest on money.
13. Granting any pension or pensions.
14. Creating, increasing, or decreasing, or authorizing to be created, increased, or decreased, the salaries, fees, percentages, or allowances of public officers during the term for which they are elected or appointed.
15. Declaring streams navigable, or authorizing the construction of booms or dams therein, or the removal of obstructions therefrom.
16. Affecting or regulating fencing or the boundaries of land, or the running at large of stock.
17. Creating private corporations, or amending, renewing, or extending the charters thereof.
18. Granting to any private corporation, association, or

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individual any special or exclusive right, privilege or immunity.

19. Naming or changing the name of any private corporation or association.

20. Remitting the forfeiture of the charter of any private corporation except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution and the laws passed in pursuance thereof.

Sec. 64. In all the cases enumerated in the last section, and in every other case which, in its judgment, may be provided for by general laws, the General Assembly shall enact general laws. Any general law shall be subject to amendment or repeal, but the amendment or partial repeal thereof shall not operate directly or indirectly to enact, and shall not have the effect of the enactment of a special, private, or local law.

No general or special law shall surrender or suspend the right and power of the State, or any political subdivision thereof, to tax corporations and corporate property, except as authorized by Article Thirteen. No private corporation, association, or individual shall be specially exempted from the operation of any general law, nor shall its operation be suspended for the benefit of any private corporation, association, or individual.

Sec. 65. The General Assembly may, by general laws, confer upon the boards of supervisors of counties, and the councils of cities and towns, such powers of local and special legislation, as it may from time to time deem expedient, not inconsistent with the limitations contained in this Constitution.

Sec. 66. The Clerk of the House of Delegates shall be Keeper of the Rolls of the State but shall receive no compensation from the State for his services as such.

The General Assembly by general law shall prescribe the number of employees of the Senate and House of Delegates, including the clerks thereof, and fix their compensation at a *per diem* for the time actually employed in the discharge of their duties.

Sec. 67. The General Assembly shall not make any appropriation of public funds, of personal property, or of any real estate, to any church, or sectarian society, association, or institution of any kind whatever, which is entirely or partly, directly or indirectly, controlled by any church or sectarian society; nor shall the General Assembly make any like appropriation to any charitable institution, which is not owned or controlled by the State; except that it may, in its discretion, make appropriations to non-sectarian institutions for the reform of youthful criminals; but nothing herein con-

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tained shall prohibit the General Assembly from authorizing counties, cities, or towns to make such appropriations to any charitable institution or association.

Sec. 68. The General Assembly shall, at each regular session, appoint a standing committee, consisting of two members of the Senate and three members of the House of Delegates, which shall be known as the Auditing Committee. Such committee shall annually, or oftener in its discretion, examine the books and accounts of the First Auditor, the State Treasurer, the Secretary of the Commonwealth, and other executive officers at the seat of government whose duties pertain to auditing or accounting for the State revenue, report the result of its investigations to the Governor, and cause the same to be published in two newspapers of general circulation in the State. The Governor shall, at the beginning of each session, submit said reports to the General Assembly for appropriate action. The committee may sit during the recess of the General Assembly, receive such compensation as may be prescribed by law, and employ one or more accountants to assist in its investigations.

ARTICLE V.

EXECUTIVE DEPARTMENT.

Sec. 69. The chief executive power of the State shall be vested in a Governor. He shall hold office for a term of four years, to commence on the first day of February next succeeding his election, and be ineligible to the same office for the term next succeeding that for which he was elected, and to any other office during his term of service.

Sec. 70. The Governor shall be elected by the qualified voters of the State at the time and place of choosing members of the General Assembly. Returns of the election shall be transmitted, under seal, by the proper officers, to the Secretary of the Commonwealth, who shall deliver them to the Speaker of the House of Delegates on the first day of the next session of the General Assembly. The Speaker of the House of Delegates shall, within one week thereafter, in the presence of a majority of the Senate and of the House of Delegates, open the returns, and the votes shall then be counted. The person having the highest number of votes shall be declared elected; but if two or more shall have the highest and an equal number of votes, one of them shall be chosen Governor by the joint vote of the two houses of the General Assembly. Contested elections for Governor shall be decided by a like vote, and the mode of proceeding in such cases shall be prescribed by law.

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Sec. 71. No person except a citizen of the United States shall be eligible to the office of Governor; and if such person be of foreign birth, he must have been a citizen of the United States for ten years next preceding his election; nor shall any person be eligible to that office unless he shall have attained the age of thirty years, and have been a resident of the State for five years next preceding his election.

Sec. 72. The Governor shall reside at the seat of government; shall receive five thousand dollars for each year of his service, and while in office shall receive no other emolument from this or any other government.

Sec. 73. The Governor shall take care that the laws be faithfully executed; communicate to the General Assembly, at every session, the condition of the State; recommend to its consideration such measures as he may deem expedient, and convene the General Assembly on application of two-thirds of the members of both houses thereof, or when, in his opinion, the interest of the State may require. He shall be commander-in-chief of the land and naval forces of the State; have power to embody the militia to repel invasion, suppress insurrection and enforce the execution of the laws; conduct, either in person or in such manner as shall be prescribed by law, all intercourse with other and foreign states; and, during the recess of the General Assembly, shall have power to suspend from office for misbehavior, incapacity, neglect of official duty, or acts performed without due authority of law, all executive officers at the seat of government except the Lieutenant-Governor; but, in any case in which this power is so exercised, the Governor shall report to the General Assembly, at the beginning of the next session thereof, the fact of such suspension and the cause therefor, whereupon the General Assembly shall determine whether such officer shall be restored or finally removed; and the Governor shall have power, during the recess of the General Assembly, to appoint, *pro tempore*, successors to all officers so suspended, and to fill, *pro tempore*, vacancies in all offices of the State for the filling of which the Constitution and laws make no other provision; but his appointments to such vacancies shall be by commissions to expire at the end of thirty days after the commencement of the next session of the General Assembly. He shall have power to remit fines and penalties in such cases, and under such rules and regulations, as may be prescribed by law, and except when the prosecution has been carried on by the House of Delegates, to grant reprieves and pardons after conviction; to remove political disabilities consequent upon conviction for offences committed prior or subsequent to the adoption of this Constitution, and to commute capital

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punishment; but he shall communicate to the General Assembly, at each session, particulars of every case of fine or penalty remitted, of reprieve or pardon granted, and of punishment commuted, with his reasons for remitting, granting, or commuting the same.

Sec. 74. The Governor may require information in writing, under oath, from the officers of the executive department and superintendents of state institutions upon any subject relating to the duties of their respective offices and institutions; and he may inspect at any time their official books, accounts and vouchers, and ascertain the condition of the public funds in their charge, and in that connection may employ accountants. He may require the opinion in writing of the Attorney-General upon any question of law affecting the official duties of the Governor.

Sec. 75. Commissions and grants shall run in the name of Commonwealth of Virginia, and be attested by the Governor, with the seal of the Commonwealth annexed.

Sec. 76. Every bill, which shall have passed the Senate and House of Delegates, shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but, if not, he may return it with his objections to the house in which it originated, which shall enter the objections at large on its journal and proceed to reconsider the same. If, after such consideration, two-thirds of the members present, which two-thirds shall include a majority of the members elected to that house, shall agree to pass the bill it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members present, which two-thirds shall include a majority of the members elected to that house, it shall become a law, notwithstanding the objections. The Governor shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills returned to the General Assembly without his approval. If he approve the general purpose of any bill, but disapprove any part or parts thereof, he may return it, with recommendations for its amendment, to the house in which it originated, whereupon the same proceedings shall be had in both houses upon the bill and his recommendations in relation to its amendment, as is above provided in relation to a bill which he shall have returned without his approval, and with his objections thereto: provided, that if, after such reconsideration, both houses, by a vote of a majority of the members present in each, shall agree to amend

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the bill in accordance with his recommendations in relation thereto, or either house by such vote shall fail or refuse to so amend it, then, and in either case the bill shall be again sent to him, and he may act upon it as if it were then before him for the first time. But in all the cases above set forth the votes of both houses shall be determined by ayes and noes, and the names of the members voting for and against the bill, or item or items of an appropriation bill, shall be entered on the journal of each house. If any bill shall not be returned by the Governor within five days (Sunday excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by final adjournment, prevent such return; in which case it shall be a law if approved by the Governor in the manner and to the extent above provided, within ten days after such adjournment, but not otherwise.

Sec. 77. A Lieutenant-Governor shall be elected at the same time and for the same term as the Governor, and his qualifications and the manner and ascertainment of his election, in all respects, shall be the same.

Sec. 78. In case of the removal of the Governor from office, or of his death, failure to qualify, resignation, removal from the State, or inability to discharge the powers and duties of the office, the said office, with its compensation, shall devolve upon the Lieutenant-Governor; and the General Assembly shall provide by law for the discharge of the executive functions in other necessary cases.

Sec. 79. The Lieutenant-Governor shall be president of the Senate, but shall have no vote except in case of an equal division; and while acting as such, shall receive a compensation equal to that allowed to the Speaker of the House of Delegates.

Sec. 80. A Secretary of the Commonwealth shall be elected by the qualified voters of the State at the same time and for the same term as the Governor; and the fact of his election shall be ascertained as in the case of the Governor. He shall keep a daily record of the official acts of the Governor, which shall be signed by the Governor and attested by the Secretary; and, when required, he shall lay the same, and any papers, minutes and vouchers pertaining to his office, before either house of the General Assembly. He shall discharge such other duties as may be prescribed by law. All fees received by the Secretary of the Commonwealth shall be paid into the treasury monthly.

Sec. 81. A State Treasurer shall be elected by the qualified voters of the State at the same time and for the same term as the Governor; and the fact of his election shall be ascer-

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tained in the same manner. His powers and duties shall be prescribed by law.

Sec. 82. An Auditor of Public Accounts shall be elected by the joint vote of the two houses of the General Assembly for the term of four years. His powers and duties shall be prescribed by law.

Sec. 83. The salary of each officer of the Executive Department, except in those cases where the salary is determined by this Constitution, shall be fixed by law; and the salary of no such officer shall be increased or diminished during the term for which he shall have been elected or appointed.

Sec. 84. The General Assembly shall provide by law for the establishment and maintenance of an efficient system of checks and balances between the officers at the seat of government entrusted with the collection, receipt, custody, or disbursement of the revenues of the State.

Sec. 85. All State officers, and their deputies, assistants or employees, charged with the collection, custody, handling or disbursement of public funds, shall be required to give bond for the faithful performance of such duties; the amount of such bond in each case, and the manner in which security shall be furnished, to be specified and regulated by law.

Sec. 86. The General Assembly shall have power to establish and maintain a Bureau of Labor and Statistics, under such regulations as may be prescribed by law.

ARTICLE VI.

JUDICIARY DEPARTMENT.

Sec. 87. The Judiciary Department shall consist of a Supreme Court of Appeals, circuit courts, city courts, and such other courts as are hereinafter authorized. The jurisdiction of these tribunals and the judges thereof, except so far as conferred by this Constitution, shall be regulated by law.

Sec. 88. The Supreme Court of Appeals shall consist of five judges, any three of whom may hold a court. It shall have original jurisdiction in cases of *habeas corpus*, *mandamus*, and prohibition; but in all other cases, in which it shall have jurisdiction, it shall have appellate jurisdiction only.

Subject to such reasonable rules, as may be prescribed by law, as to the course of appeal, the limitation as to time, the security required, if any, the granting or refusing of appeals, and the procedure therein, it shall, by virtue of this Constitution, have appellate jurisdiction in all cases involving the constitutionality of a law as being repugnant to the

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Constitution of this State, or of the United States, or involving the life or liberty of any person; and it shall also have appellate jurisdistion in such other cases, within the limits hereinafter defined, as may be prescribed by law; but no appeal shall be allowed to the Commonwealth in any case involving the life or liberty of a person, except that an appeal by the Commonwealth may be allowed by law in any case involving the violation of a law relating to the State revenue. No bond shall be required of any accused person as a condition of appeal, but a supersedeas bond may be required where the only punishment imposed in the court below is a fine.

The court shall not have jurisdiction in civil cases where the matter in controversy, exclusive of costs and of interest accrued since the judgment in the court below, is less in value or amount than three hundred dollars, except in controversies concerning the title to, or boundaries of land, the condemnation of property, the probate of a will, the appointment or qualification of a personal representative, guardian, committee, or curator, or concerning a mill, roadway, ferry, or landing, or the right of the State, county, or municipal corporation, to levy tolls or taxes, or involving the construction of any statute, ordinance or county proceeding imposing taxes; and, except in cases of *habeas corpus*, *mandamus*, and prohibition, the constitutionality of a law, or some other matter not merely pecuniary. After the year nineteen hundred and ten the General Assembly may change the jurisdiction of the court in matters merely pecuniary. The assent of at least three of the judges shall be required for the court to determine that any law is, or is not, repugnant to the Constitution of this State, or of the United State; and if, in a case involving the constitutionality of any such law, not more than two of the judges sitting agree in opinion on the constitutional question involved, and the case cannot be determined, without passing on such question, no decision shall be rendered therein, but the case shall be reheard by a full court; and in no case where the jurisdiction of the court depends solely upon the fact that the constitutionality of a law is involved, shall the court decide the case upon its merits, unless the contention of the appellant upon the constitutional question be sustained. Whenever the requisite majority of the judges sitting are unable to agree upon a decision, the case shall be reheard by a full bench, and any vacancy caused by any one or more of the judges being unable, unwilling, or disqualified to sit, shall be temporarily filled in a manner to be prescribed by law.

Sec. 89. The General Assembly may, from time to time,

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provide for a Special Court of Appeals to try any cases on the docket of the Supreme Court of Appeals in respect to which a majority of the judges are so situated as to make it improper for them to sit; and also to try any cases on said docket which cannot be disposed of with convenient dispatch. The said special court shall be composed of not less than three nor more than five of the judges of the circuit courts and city courts of record in cities of the first class, or of the judges of either of said courts, or of any of the judges of said courts, together with one or more of the judges of the Supreme Court of Appeals.

Sec. 90. When a judgment or decree is reversed or affirmed by the Supreme Court of Appeals the reasons therefor shall be stated in writing and preserved with the record of the case.

Sec. 91. The judges of the Supreme Court of Appeals shall be chosen by the joint vote of the two houses of the General Assembly. They shall, when chosen, have held a judicial station in the United States, or shall have practiced law in this or some other state for five years. At the first election under this Constitution, the General Assembly shall elect the judges for terms of four, six, eight, ten, and twelve years, respectively; and thereafter they shall be elected for terms of twelve years.

Sec. 92. The officers of the Supreme Court of Appeals shall be appointed by the court or by the judges in vacation. Their duties, compensation, and tenure of office shall be prescribed by law.

Sec. 93. The Supreme Court of Appeals shall hold its sessions at two or more places in the State, to be fixed by law.

Sec. 94. The State shall be divided into twenty-four judicial circuits, as follows:

The counties of Norfolk, Princess Anne, and the city of Portsmouth, shall constitute the first circuit.

The counties of Nansemond, Southampton, Isle of Wight, and the city of Norfolk, shall constitute the second circuit.

The counties of Prince George, Surry, Sussex, Greenesville, and Brunswick, shall constitute the third circuit.

The counties of Chesterfield, Powhatan, Dinwiddie, Nottoway, and Amelia, and the city of Petersburg, shall constitute the fourth circuit.

The counties of Prince Edward, Cumberland, Buckingham, Appomattox, and Charlotte, shall constitute the fifth circuit.

The counties of Lunenburg, Mecklenburg, Halifax, Campbell, and the city of Lynchburg, shall constitute the sixth circuit.

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The counties of Pittsylvania, Franklin, Henry, and Patrick, and the city of Danville, shall constitute the seventh circuit.

The counties of Amherst, Nelson, Albemarle, Fluvanna, and Goochland, shall constitute the eighth circuit.

The counties of Rappahannock, Culpeper, Madison, Greene, Orange, and Louisa, shall constitute the ninth circuit.

The county of Henrico and the city of Richmond, shall constitute the tenth circuit.

The counties of Accomac, Northampton, Elizabeth City, and the city of Newport News, shall constitute the eleventh circuit.

The counties of Richmond, Northumberland, Westmoreland, Lancaster and Essex, shall constitute the twelfth circuit.

The counties of Gloucester, Mathews, King and Queen, King William, and Middlesex, shall constitute the thirteenth circuit.

The counties of New Kent, Charles City, York, Warwick, James City, and the city of Williamsburg, shall constitute the fourteenth circuit.

The counties of King George, Stafford, Spotsylvania, Caroline, and Hanover, shall constitute the fifteenth circuit.

The counties of Fauquier, Loudoun, Prince William, Fairfax, and Alexandria, and the city of Alexandria, shall constitute the sixteenth circuit.

The counties of Frederick, Clarke, Warren, Shenandoah, and Page, shall constitute the seventeenth circuit.

The counties of Rockingham, Augusta, and Rockbridge, shall constitute the eighteenth circuit.

The counties of Highland, Bath, Alleghany, Craig, and Botetourt, shall constitute the nineteenth circuit.

The counties of Bedford, Roanoke, Montgomery, and Floyd, and the city of Roanoke, shall constitute the twentieth circuit.

The counties of Pulaski, Carroll, Wythe, and Grayson, shall constitute the twenty-first circuit.

The counties of Bland, Tazewell, Giles, and Buchanan, shall constitute the twenty-second circuit.

The counties of Washington, Russell, and Smyth, shall constitute the twenty-third circuit.

The counties of Scott, Lee, Wise, and Dickenson, shall constitute the twenty-fourth circuit.

Sec. 95. After the first day of January, nineteen hundred and six, as the public interest requires, the General Assembly may rearrange the said circuits and increase or diminish the number thereof. But no new circuit shall be created containing, by the last United States census or other census provided by law, less than forty thousand inhabitants, nor when the effect of creating it will be to reduce the number of in-

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habitants in any existing circuit below forty thousand according to such census.

Sec. 96. For each circuit a judge shall be chosen by the joint vote of the two houses of the General Assembly. He shall, when chosen, possess the same qualifications as judges of the Supreme Court of Appeals, and during his continuance in office shall reside in the circuit of which he is judge. At the first election under this Constitution, the General Assembly shall elect, as nearly as practicable, one-fourth of the entire number of judges for terms of two years, one-fourth for four years, one-fourth for six years, and the remaining fourth for eight years, respectively; and thereafter they shall be elected for terms of eight years.

Sec. 97. The number of terms of the circuit courts to be held for each county and city, shall be prescribed by law. But no separate circuit court shall be held for any city of the second class, until the city shall abolish its existing city court. The judge of one circuit may be required or authorized to hold court in any other circuit or city.

Sec 98. For the purposes of a judicial system, the cities of the State shall be divided into two classes. All cities shall belong to the first class which contain, as shown by the last United States census or other census provided by law, ten thousand inhabitants or more, and all cities shall belong to the second class which contain, as thus shown, less than ten thousand inhabitants. In each city of the first class, there shall be, in addition to the circuit court, a corporation court. In any city containing thirty thousand inhabitants or more, the General Assembly may provide for such additional courts as the public interest may require, and in every such city the city courts, as they now exist, shall continue until otherwise provided by law. In every city of the second class, the corporation or hustings court existing, at the time this Constitution goes into effect, shall continue hereafter under the name of the corporation court of such city; but it may be abolished by a vote of a majority of the qualified electors of such city, at an election held for the purpose, and whenever the office of judge of a corporation or hustings court of a city of the second class, whose salary is less than eight hundred dollars, shall become and remain vacant for ninety days consecutively, such court shall thereby cease to exist. In case of the abolition of the corporation or hustings court of any city of the second class, such city shall thereupon come in every respect within the jurisdiction of the circuit court of the county wherein it is situated, until otherwise provided by law, and the records of such corporation or hustings court shall thereupon become

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a part of the records of such circuit court, and be transferred thereto, and remain therein until otherwise provided by law; and during the existence of the corporation or hustings court, the circuit court of the county in which such city is situated, shall have concurrent jurisdiction with said corporation or hustings court in all actions at law and suits in equity.

Sec. 99. For each city court of record a judge shall be chosen by the joint vote of the two houses of the General Assembly. He shall, when chosen, possess the same qualifications as judges of the Supreme Court of Appeals, and during his continuance in office shall reside within the jurisdiction of the court over which he presides; but the judge of the corporation court of any corporation having a city charter, and less than five thousand inhabitants, may reside outside its corporate limits; and the same person may be judge of such corporation court and judge of the corporation court of some other city having less than ten thousand inhabitants. At the first election of said judges under this Constitution, the General Assembly shall elect, as nearly as practicable, one-fourth of the entire number for terms of two years, one-fourth for four years, one-fourth for six years, and the remaining fourth for eight years; and thereafter they shall be elected for terms of eight years. The judges of city courts in cities of the first class may be required or authorized to hold the circuit courts of any county and the circuit courts of any city.

Sec. 100. The General Assembly shall have power to establish such court or courts of land registration as it may deem proper for the administration of any law it may adopt for the purpose of the settlement, registration, transfer, or assurance of titles to land in the State, or any part thereof.

Sec. 101. The General Assembly shall have power to confer upon the clerks of the several circuit courts jurisdiction, to be exercised in the manner and under the regulations to be prescribed by law, in the matter of the admission of wills to probate, and of the appointment and qualification of guardians, personal representatives, curators, appraisers, and committees of the estates of persons who have been adjudged insane or convicted of felony, and in the matter of the substitution of trustees.

Sec. 102. All the judges shall be commissioned by the Governor. They shall receive such salaries and allowances as may be determined by law within the limitations fixed by this Constitution, the amount of which shall not be increased or diminished during their terms of office. Their terms of office shall commence on the first day of February

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next following their election, and whenever a vacancy occurs in the office of judge, his successor shall be elected for the unexpired term.

Sec. 103. The salaries of the judges of the Supreme Court of Appeals shall be not less than four thousand dollars per annum, and shall be paid by the State.

The salary of the judge of each circuit court shall be not less than two thousand dollars per annum, one-half of which shall be paid by the State, the other half by the counties and cities composing the circuit, according to their respective population; except that of the salary of the judge of the circuit court of the city of Richmond, the State shall pay the proportion which would otherwise fall to the city of Richmond. The salary of a judge of a city court in a city of the first class shall be not less than two thousand dollars per annum, one-half of which shall be paid by the State, the other half by the city. The whole of the aforesaid salaries of said judges shall be paid out of the State treasury, the State to be reimbursed by the respective counties and cities. Any city may, by an ordinance, increase the salaries of its city or circuit judges, or any one or more of them as it may deem proper, and the increase shall be paid wholly by the city, but shall not be enlarged or diminished during the term of office of the judge. Each city containing less than ten thousand inhabitants shall pay the salary of the judge of its corporation or hustings court.

Sec. 104. Judges may be removed from office for cause, by a concurrent vote of both houses of the General Assembly; but a majority of all the members elected to each house must concur in such vote, and the cause of removal shall be entered on the journal of each house. The judge against whom the General Assembly may be about to proceed shall have notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either house of the General Assembly shall act thereon.

Sec. 105. No judge of the Supreme Court of Appeals, of the circuit court, or of any city court of record shall practice law, within or without this State, nor shall he hold any other office of public trust during his continuance in office; except that the judge of a corporation or hustings court in a city of the second class, may hold the office of commissioner in chancery of the circuit court for the county in which the city is located.

Sec. 106. Writs shall run in the name of the "Commonwealth of Virginia," and be attested by the clerks of the several courts. Indictments shall conclude "against the peace and dignity of the Commonwealth."

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Sec. 107. An Attorney-General shall be elected by the qualified voters of the State at the same time and for the same term as the Governor; and the fact of his election shall be ascertained in the same manner. He shall be commissioned by the Governor, perform such duties and receive such compensation as may be prescribed by law, and shall be removable in the manner prescribed for the removal of judges.

Sec. 108. The General Assembly shall provide for the appointment or election and for the jurisdiction of such justices of the peace as the public interest may require.

Sec. 109. The General Assembly shall provide by whom, and in what manner, applications for bail shall be heard and determined.

ARTICLE VII.

ORGANIZATION AND GOVERNMENT OF COUNTIES.

Sec. 110. There shall be elected by the qualified voters of each county, one county treasurer, who shall not be elected or serve for more than two consecutive terms, nor act as deputy of his immediate successor; one sheriff, one attorney for the Commonwealth, and one county clerk, who shall be the clerk of the circuit court. There shall be elected or appointed, for four years, as the General Assembly may provide, commissioners of the revenue, for each county, the number, duties and compensation of whom shall be prescribed by law; but should such commissioners of the revenue be chosen by election by the people, then they shall be ineligible for re-election to the office for the next succeeding term.

There shall be appointed, for each county, in such manner as may be provided by law, one superintendent of the poor, and one county surveyor.

Sec. 111. The magisterial districts shall, until changed by law, remain as now constituted: provided, that hereafter no additional districts shall be made containing less than thirty square miles. In each district there shall be elected by the qualified voters thereof, one supervisor. The supervisors of the districts shall constitute the board of supervisors of the county, which shall meet at stated periods and at other times as often as may be necessary, lay the county and district levies, pass upon all claims against the county, subject to such appeal as may be provided by law, and perform such duties as may be required by law.

Sec. 112. All regular elections for county and district officers shall be held on Tuesday after the first Monday in November, and all of said officers shall enter upon the duties

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of their offices on the first day of January next succeeding their election, and shall hold their respective offices for the term of four years, except that the county clerk shall hold office for eight years: provided, that the term of the clerks first elected under this Constitution shall begin on the first of February, nineteen hundred and four, and end on the first of January, nineteen hundred and twelve.

Sec. 113. No person shall at the same time hold more than one of the offices mentioned in this article. Any officer required by law to give bond may be required to give additional security thereon, or to execute a new bond, and in default of so doing his office shall be declared vacant.

Sec. 114. Counties shall not be made responsible for the acts of the sheriffs.

Sec. 115. The General Assembly shall provide for the examination of the books, accounts and settlements of county and city officers who are charged with the collection and disbursement of public funds.

ARTICLE VIII.

ORGANIZATION AND GOVERNMENT OF CITIES AND TOWNS.

Sec. 116. As used in this article, the words "incorporated communities" shall be construed to relate only to cities and towns. All incorporated communities, having within defined boundaries a population of five thousand or more, shall be known as cities; and all incorporated communities, having within defined boundaries a population of less than five thousand, shall be known as towns. In determining the population of such cities and towns the General Assembly shall be governed by the last United States census, or such other enumeration as may be made by authority of the General Assembly; but nothing in this section shall be construed to repeal the charter of any incorporated community of less than five thousand inhabitants having a city charter at the time of the adoption of this Constitution, or to prevent the abolition by such incorporated communities of the corporation or hustings court thereof.

Sec. 117. General laws for the organization and government of cities and towns shall be enacted by the General Assembly, and no special act shall be passed in relation thereto, except in the manner provided in Article Four of this Constitution, and then only by a recorded vote of two-thirds of the members elected to each house. But each of the cities and towns of the State having at the time of the adoption of this Constitution a municipal charter may retain the same, except so far as it shall be repealed or

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amended by the General Assembly: provided, that every such charter is hereby amended so as to conform to all the provisions, restrictions, limitations and powers set forth in this article, or otherwise provided in this Constitution.

Sec. 118. In each city which has a court in whose office deeds are admitted to record, there shall be elected for a term of eight years by the qualified voters of such city a clerk of said court, who shall perform such other duties as may be required by law.

There shall be elected in like manner and for a like term all such additional clerks of courts for cities as the General Assembly may prescribe, or as are now authorized by law, so long as such courts shall continue in existence. But in no city of less than thirty thousand inhabitants shall there be more than one clerk of the court, who shall be clerk of all the courts of record in such city.

Sec. 119. In every city, so long as it has a corporation court, or a separate circuit court, there shall be elected for a term of four years by the qualified voters of such city, one attorney for the Commonwealth, who shall also, in those cities having a separate circuit court, be the attorney for the Commonwealth, for such circuit court.

In every city there shall be elected, or appointed, for a term of four years, in a manner to be provided by law, one commissioner of revenue, whose duties and compensation shall be prescribed by law; but should he be elected by the people, he shall be ineligible for re-election to the office for the next succeeding term.

Sec. 120. In every city there shall be elected by the qualified voters thereof one city treasurer, for a term of four years, but he shall not be eligible for more than two consecutive terms, nor act as deputy for his immediate successor; one city sergeant, for a term of four years, whose duties shall be prescribed by law; and, a mayor, for a term of four years, who shall be the chief executive officer of such city. All city and town officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities and towns, or of some division thereof, or appointed by such authorities thereof as the General Assembly shall designate.

The mayor shall see that the duties of the various city officers, members of the police and fire departments, whether elected or appointed, in and for such city, are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices, and may examine them and their subordinates on oath. The evidence given by persons so examined shall not be used against them in any criminal proceedings. He shall also have

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power to suspend such officers and the members of the police and fire departments, and to remove such officers, and also such members of said departments when authorized by the General Assembly, for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in person, or by counsel, and to present testimony in his defense. From such order of suspension or removal, the city officer so suspended or removed shall have an appeal of right to the corporation court, or, if there be no such court, to the circuit court of such city, in which court the case shall be heard *de novo* by the judge thereof, whose decision shall be final. He shall have all other powers and duties which may be conferred and imposed upon him by general laws.

Sec. 121. There shall be in every city a council, composed of two branches having a different number of members, whose powers and terms of office shall be prescribed by law, and whose members shall be elected by the qualified voters of such city, in the manner prescribed by law, but so as to give, as far as practicable, to each ward of such city, equal representation in each branch of said council in proportion to the population of such ward; but in cities of under ten thousand population the General Assembly may permit the council to consist of one branch. No member of the council shall be eligible during his tenure of office as such member, or for one year thereafter, to any office to be filled by the council by election or appointment. The council of every city may, in a manner prescribed by law, increase or diminish the number, and change the boundaries, of the wards thereof, and shall, in the year nineteen hundred and three, and in every tenth year thereafter, and also whenever the boundaries of such wards are changed, re-apportion the representation in the council among the wards in a manner prescribed by law; and whenever the council of any such city shall fail to perform the duty so prescribed, a *mandamus* shall lie on behalf of any citizen thereof to compel its performance.

Sec. 122. The mayors and councils of cities shall be elected on the second Tuesday in June, and their terms of office shall begin on the first day of September succeeding. All other elective officers, provided for by this article, or hereafter authorized by law, shall be elected on the Tuesday after the first Monday in November, and their terms of office shall begin on the first day of January succeeding, except that the terms of office of clerks of the city courts shall begin coincidently with that of the judges of said

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courts: provided, that the General Assembly may change the time of election of all or any of the said officers, except that the election and the beginning of the terms of mayors and councils of cities shall not be made by the General Assembly to occur at the same time with the election and beginning of the terms of office of the other elective officers provided for by this Constitution.

Sec. 123. Every ordinance, or resolution having the effect of an ordinance, shall, before it becomes operative, be presented to the mayor. If he approve he shall sign it; but if not, if the council consist of two branches, he may return it, with his objections in writing, to the clerk, or other recording officer, of that branch in which it originated; which branch shall enter the objections at length on its journal and proceed to reconsider it. If, after such consideration, two-thirds of all the members elected thereto shall agree to pass the ordinance or resolution, it shall be sent, together with the objections, to the other branch, by which it shall likewise be considered, and if approved by two-thirds of all the members elected thereto, it shall become operative notwithstanding the objections of the mayor. But in all such cases the votes of both branches of the council shall be determined by yeas and nays, and the names of the members voting for and against the ordinance or resolution shall be entered on the journal of each branch. If the council consist of a single branch, the mayor's objections in writing to any ordinance, or resolution having the effect of an ordinance, shall be returned to the clerk, or other recording officer of the council, and be entered at length on its journal; whereupon the council shall proceed to reconsider the same. Upon such consideration the vote shall be taken in the same manner as where the council consists of two branches, and if the ordinance or resolution be approved by two-thirds of all the members elected to the council, it shall become operative notwithstanding the objections of the mayor. If any ordinance or resolution shall not be returned by the mayor within five days (Sunday excepted), after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office, or that of the council, shall expire within said five days.

The mayor shall have the power to veto any particular item or items of an appropriation ordinance or resolution; but the veto shall not affect any item or items to which he does not object. The item or items objected to shall not take effect except in the manner provided in this section as to ordinances or resolutions not approved by the mayor. No ordinance or resolution appropriating money exceeding the sum of one hundred dollars, imposing taxes, or author-

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izing the borrowing of money, shall be passed, except by a recorded affirmative vote of a majority of all the members elected to the council or to each branch thereof where there are two; and in case of the veto by the mayor of such ordinance or resolution, it shall require a recorded affirmative vote of two-thirds of all the members elected to the council, or to each branch thereof where there are two, to pass the same over such veto in the manner provided in this section. Nothing contained in this section shall operate to repeal or amend any provision in any existing city charter requiring a two-thirds vote for the passage of any ordinance as to the appropriation of money, imposing taxes or authorizing the borrowing of money.

Sec. 124. No street railway, gas, water, steam, or electric heating, electric light or power, cold storage, compressed air, viaduct, conduit, telephone, or bridge, company, nor any corporation, association, person or partnership, engaged in these or like enterprises, shall be permitted to use the streets, alleys, or public grounds of a city or town without the previous consent of the corporate authorities of such city or town.

Sec. 125. The rights of no city or town in and to its water front, wharf property, public landings, wharves, docks, streets, avenues, parks, bridges, and other public places, and its gas, water, and electric works shall be sold except by an ordinance or resolution passed by a recorded affirmative vote of three-fourths of all the members elected to the council, or to each branch thereof where there are two, and under such other restrictions as may be imposed by law; and in case of the veto by the mayor of such an ordinance or resolution, it shall require a recorded affirmative vote of three-fourths of all the members elected to the council, or to each branch thereof where there are two, had in the manner heretofore provided for in this article, to pass the same over the veto. No franchise, lease or right of any kind to use any such public property or any other public property, or easement of any description, in a manner not permitted to the general public, shall be granted for a longer period than thirty years. Before granting any such franchise or privilege for a term of years, except for a trunk railway, the municipality shall first, after due advertisement, receive bids therefor publicly, in such manner as may be provided by law, and shall then act as may be required by law. Such grant, and any contract in pursuance thereof, may provide that upon the termination of the grant the plant as well as the property, if any, of the grantee in the streets, avenues, and other public places shall thereupon, without compensation to the grantee, or upon the

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payment of a fair valuation therefor, be and become the property of the said city or town; but the grantee shall be entitled to no payment by reason of the value of the franchise; and any such plant or property acquired by a city or town may be sold or leased, or, if authorized by law, maintained, controlled and operated, by such city or town. Every such grant shall specify the mode of determining any valuation therein provided for, and shall make adequate provision by way of forfeiture of the grant, or otherwise, to secure efficiency of public service at reasonable rates, and the maintenance of the property in good order throughout the term of the grant. Nothing herein contained shall be construed as preventing the General Assembly from prescribing additional restrictions on the powers of cities and towns in granting franchises or in selling or leasing any of their property, or as repealing any additional restriction now required in relation thereto in any existing municipal charter.

Sec. 126. The General Assembly shall provide by general laws for the extension and the contraction, from time to time, of the corporate limits of cities and towns; and no special act for such purpose shall be valid.

Sec. 127. No city or town shall issue any bonds or other interest-bearing obligations for any purpose, or in any manner, to an amount which, including existing indebtedness, shall, at any time, exceed eighteen per centum of the assessed valuation of the real estate in the city or town subject to taxation, as shown by the last preceding assessment for taxes; provided, however, that nothing above contained in this section shall apply to those cities and towns whose charters existing at the adoption of this Constitution authorize a larger percentage of indebtedness than is authorized by this section; and provided further, that in determining the limitation of the power of a city or town to incur indebtedness there shall not be included the following classes of indebtedness:

(a.) Certificates of indebtedness, revenue bonds or other obligations issued in anticipation of the collection of the revenue of such city or town for the then current year; provided that such certificates, bonds or other obligations mature within one year from the date of their issue, and be not past due, and do not exceed the revenue for such year.

(b.) Bonds authorized by an ordinance enacted in accordance with section One Hundred and Twenty-three, and approved by the affirmative vote of the majority of the qualified voters of the city or town voting upon the question of their issuance, at the general election next succeeding the enactment of the ordinance, or at a special elec-

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tion held for that purpose, for a supply of water or other specific undertaking from which the city or town may derive a revenue; but from and after a period to be determined by the council, not exceeding five years from the date of such election, whenever and for so long as such undertaking fails to produce sufficient revenue to pay for cost of operation and administration (including interest on bonds issued therefor, and the cost of insurance against loss by injury to persons or property), and an annual amount to be covered into a sinking fund sufficient to pay, at or before maturity, all bonds issued on account of said undertaking, all such bonds outstanding shall be included in determining the limitation of the power to incur indebtedness, unless the principal and interest thereof be made payable exclusively from the receipts of the undertaking.

Sec. 128. In cities and towns the assessment of real estate and personal property for the purpose of municipal taxation, shall be the same as the assessment thereof for the purpose of State taxation, whenever there shall be a State assessment of such property.

ARTICLE IX.

EDUCATION AND PUBLIC INSTRUCTION.

Sec. 129. The General Assembly shall establish and maintain an efficient system of public free schools throughout the State.

Sec. 130. The general supervision of the school system shall be vested in a State Board of Education, composed of the Governor, Attorney-General, Superintendent of Public Instruction, and three experienced educators to be elected quadrennially by the Senate, from a list of eligibles, consisting of one from each of the faculties, and nominated by the respective boards of visitors or trustees, of the University of Virginia, the Virginia Military Institute, the Virginia Polytechnic Institute, the State Female Normal School at Farmville, the School for the Deaf and Blind, and also of the College of William and Mary, so long as the State continue its annual appropriation to the last named institution.

The board thus constituted shall select and associate with itself two division superintendents of schools, one from a county and the other from a city, who shall hold office for two years, and whose powers and duties shall be identical with those of other members, except that they shall

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not participate in the appointment of any public school official.

Any vacancy occurring during the term of any member of the board shall be filled for the unexpired term by said board.

Sec. 131. The Superintendent of Public Instruction, who shall be an experienced educator, shall be elected by the qualified voters of the State at the same time and for the same term as the Governor. Any vacancy in said office shall be filled for the unexpired term by the said board.

His duties shall be prescribed by the State Board of Education, of which he shall be *ex-officio* president; and his compensation shall be fixed by law.

Sec. 132. The duties and powers of the State Board of Education shall be as follows:

First. It may, in its discretion, divide the State into appropriate school divisions, comprising not less than one county or city each, but no county or city shall be divided in the formation of such divisions. It shall, subject to the confirmation of the Senate, appoint, for each of such divisions, one superintendent of schools, who shall hold office for four years, and shall prescribe his duties, and may remove him for cause and upon notice.

Second. It shall have, regulated by law, the management and investment of the school fund.

Third. It shall have authority to make all needful rules and regulations for the management and conduct of the schools, which, when published and distributed, shall have the force and effect of law, subject to the authority of the General Assembly to revise, amend, or repeal the same.

Fourth. It shall select text books and educational appliances for use in the schools of the State, exercising such discretion as it may see fit in the selection of books suitable for the schools in the cities and counties respectively.

Fifth. It shall appoint a board of directors, consisting of five members, to serve without compensation, which shall have the management of the State Library, and the appointment of a librarian and other employees thereof, subject to such rules and regulations as the General Assembly shall prescribe; but the Supreme Court of Appeals shall have the management of the law library and the appointment of the librarian and other employees thereof.

Sec. 133. Each magisterial district shall constitute a separate school district, unless otherwise provided by law. In each school district there shall be three trustees selected, in the manner and for the term of office prescribed by law.

Sec. 134. The General Assembly shall set apart as a per-

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manent and perpetual literary fund, the present literary fund of the State; the proceeds of all public lands donated by Congress for public free school purposes; of all escheated property; of all waste and unappropriated lands; of all property accruing to the State by forfeiture, and all fines collected for offences committed against the State, and such other sums as the General Assembly may appropriate.

Sec. 135. The General Assembly shall apply the annual interest on the literary fund; that portion of the capitation tax provided for in the Constitution to be paid into the State treasury, and not returnable to the counties and cities; and an annual tax on property of not less than one nor more than five mills on the dollar to the schools of the primary and grammar grades, for the equal benefit of all of the people of the State, to be apportioned on a basis of school population; the number of children between the ages of seven and twenty years in each school district to be the basis of such apportionment: but if at any time the several kinds or classes of property shall be segregated for the purposes of taxation, so as to specify and determine upon what subjects State taxes and upon what subjects local taxes may be levied, then the General Assembly may otherwise provide for a fixed appropriation of State revenue to the support of the schools not less than that provided in this section.

Sec. 136. Each county, city, town if the same be a separate school district, and school district is authorized to raise additional sums by a tax on property, not to exceed in the aggregate five mills on the dollar in any one year, to be apportioned and expended by the local school authorities of said counties, cities, towns and districts in establishing and maintaining such schools as in their judgment the public welfare may require: provided, that such primary schools as may be established in any school year, shall be maintained at least four months of that school year, before any part of the fund assessed and collected may be devoted to the establishment of schools of higher grade. The boards of supervisors of the several counties, and the councils of the several cities, and towns if the same be separate school districts, shall provide for the levy and collection of such local school taxes.

Sec. 137. The General Assembly may establish agricultural, normal, manual training and technical schools, and such grades of schools as shall be for the public good.

Sec. 138. The General Assembly may, in its discretion, provide for the compulsory education of children between the ages of eight and twelve years, except such as are weak in body or mind, or can read and write, or are attending

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private schools, or are excused for cause by the district school trustees.

Sec. 139. Provision shall be made to supply children attending the public schools with the necessary text-books in cases where the parent or guardian is unable, by reason of poverty, to furnish them.

Sec. 140. White and colored children shall not be taught in the same school.

Sec. 141. No appropriation of public funds shall be made to any school or institution of learning not owned or exclusively controlled by the State or some political subdivision thereof: provided, first, that the General Assembly may, in its discretion, continue the appropriations to the College of William and Mary; second, that this section shall not be construed as requiring or prohibiting the continuance or discontinuance by the General Assembly of the payment of interest on certain bonds held by certain schools and colleges as provided by an act of the General Assembly, approved February twenty-third, eighteen hundred and ninety-two, relating to bonds held by schools and colleges; third, that counties, cities, towns, and districts may make appropriations to non-sectarian schools of manual, industrial, or technical training, and also to any school or institution of learning owned or exclusively controlled by such county, city, town, or school district.

Sec. 142. Members of the boards of visitors or trustees of educational institutions shall be appointed as may be provided by law, and shall hold for the term of four years: provided, that at the first appointment, if the board be of an even number, one-half of them, or, if of an odd number, the least majority of them, shall be appointed for two years.

ARTICLE X.

AGRICULTURE AND IMMIGRATION.

Sec. 143. There shall be a Department of Agriculture and Immigration, which shall be permanently maintained at the capital of the State, and which shall be under the management and control of a Board of Agriculture and Immigration, composed of one member from each congressional district, who shall be a practical farmer, appointed by the Governor for a term of four years, subject to confirmation by the Senate, and the president of the Virginia Polytechnic Institute, who shall be *ex-officio* a member of the board: provided, that members of the board first appointed under

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this Constitution from the congressional districts bearing odd numbers shall hold office for two years.

Sec. 144. The powers and duties of the board shall be prescribed by law: provided, that it shall have power to elect and remove its officers, and establish elsewhere in the State subordinate branches of said department.

Sec. 145. There shall be a Commissioner of Agriculture and Immigration, whose term of office shall be four years, and who shall be elected by the qualified voters of the State, and whose powers and duties shall be prescribed by the Board of Agriculture and Immigration until otherwise provided by law.

Sec. 146. The president of the Board of Agriculture and Immigration shall be *ex-officio* a member of the Board of Visitors of the Virginia Polytechnic Institute.

ARTICLE XI.

PUBLIC INSTITUTIONS AND PRISONS.

Sec. 147. There shall be a State penitentiary, with such branch prisons and prison farms as may be provided by law.

Sec. 148. There shall be appointed by the Governor, subject to confirmation by the Senate, a board of five directors which, subject to such regulations and requirements as may be prescribed by law, shall have the government and control of the penitentiary, branch prisons, and prison farms, and shall appoint the superintendents and surgeons thereof. The respective superintendents shall appoint, and may remove, all other officers and employees of the penitentiary, branch prisons, and prison farms, subject to the approval of the board of directors. The superintendents and surgeons shall be appointed for a term of four years, and be removable by the board of directors for misbehavior, incapacity, neglect of official duty, or acts performed without authority of law. The terms of the directors first appointed shall be one, two, three, four, and five years, respectively; and thereafter, upon the expiration of the term of a director, his successor shall be appointed for a term of five years.

Sec. 149. For each State hospital for the insane now existing, or hereafter established, there shall be a special board of directors, consisting of three members, who shall be appointed by the Governor, subject to confirmation by the Senate; such board shall have the management of the hospital for which it is appointed, under the supervision and control of the general board of directors hereinafter constituted. The terms of the directors first appointed shall be

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two, four, and six years, respectively, and thereafter, upon the expiration of the term of a member, his successor shall be appointed for a term of six years.

Sec. 150. There shall be a general board of directors for the control and management of all the State hospitals for the insane now existing or hereafter established, which shall consist of all the directors appointed members of the several special boards. The general board of directors shall be subject to such regulations and requirements as the General Assembly may from time to time prescribe, and shall have full power and control over the special boards of directors and all of the officers and employees of the said hospitals.

Sec. 151. The general board of directors shall appoint for a term of four years a superintendent for each hospital, who shall be removable by said board for misbehavior, incapacity, neglect of official duty, or acts performed without authority of law. The special board of each hospital shall, subject to the approval of the general board, appoint for a term of four years all other resident officers. The superintendent of each hospital shall appoint, and may remove, with the approval of the special board, all other employees of such hospital.

Sec. 152. There shall be a Commissioner of State Hospitals for the Insane, who shall be appointed by the Governor, subject to confirmation by the Senate, for a term of four years. He shall be *ex-officio* chairman of the general and of each of the special boards of directors, and shall be responsible for the proper disbursement of all moneys appropriated or received from any source for the maintenance of such hospitals; he shall cause to be established and maintained at all of the hospitals a uniform system of keeping the records and the accounts of money received and disbursed and of making the reports thereof. He shall perform such other duties and shall execute such bond and receive such salary as may be prescribed by law.

ARTICLE XII.

CORPORATIONS.

Sec. 153. As used in this article, the term "corporation" or "company" shall include all trusts, associations and joint stock companies having any powers or privileges not possessed by individuals or unlimited partnerships, and exclude all municipal corporations and public institutions owned or controlled by the State; the term "charter" shall be construed to mean the charter of incorporation by, or

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under, which any such corporation is formed; the term "transportation company" shall include any company, trustee, or other person owning, leasing or operating for hire a railroad, street railway, canal, steamboat or steamship line, and also any freight car company, car association, or car trust, express company, or company, trustee or person in any way engaged in business as a common carrier over a route acquired in whole or in part under the right of eminent domain; the term "rate" shall be construed to mean "rate of charge for any service rendered or to be rendered"; the terms "rate," "charge" and "regulation," shall include joint rates, joint charges, and joint regulations, respectively; the term "transmission company" shall include any company owning, leasing, or operating for hire, any telegraph or telephone line; the term "freight" shall be construed to mean any property transported, or received for transportation, by any transportation company; the term "public service corporation" shall include all transportation and transmission companies, all gas, electric light, heat and power companies, and all persons authorized to exercise the right of eminent domain, or to use or occupy any street, alley or public highway, whether along, over, or under the same, in a manner not permitted to the general public; the term "person," as used in this article, shall include individuals, partnerships and corporations, in the singular as well as plural number; the term "bond" shall mean all certificates, or written evidences, of indebtedness issued by any corporation and secured by mortgage or trust deed; the term "frank" shall be construed to mean any writing or token, issued by, or under authority of, a transmission company, entitling the holder to any service from such company free of charge. The provisions of this article shall always be so restricted in their application as not to conflict with any of the provisions of the Federal Constitution, and as if the necessary limitations upon their interpretation had been herein expressed in each case.

Sec. 154. The creation of corporations, and the extension and amendment of charters (whether heretofore or hereafter granted), shall be provided for by general laws, and no charter shall be granted, amended or extended by special act, nor shall authority in such matters be conferred upon any tribunal or officer, except to ascertain whether the applicants have, by complying with the requirements of the law, entitled themselves to the charter, amendment or extension applied for, and to issue, or refuse, the same accordingly. Such general laws may be amended or repealed by the General Assembly; and all charters and amendments of

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charters, now existing and revocable, or hereafter granted or extended, may be repealed at any time by special act. Provision shall be made, by general laws, for the voluntary surrender of its charter by any corporation, and for the forfeiture thereof for non-user or mis-user. The General Assembly shall not, by special act, regulate the affairs of any corporation, nor, by such act, give it any rights, powers or privileges.

Sec. 155. A permanent commission, to consist of three members, is hereby created, which shall be known as the State Corporation Commission. The commissioners shall be appointed by the Governor, subject to confirmation by the General Assembly in joint session, and their regular terms of office shall be six years, respectively, except those first appointed under this Constitution, of whom, one shall be appointed to hold office until the first day of February, nineteen hundred and four, one, until the first day of February, nineteen hundred and six, and one, until the first day of February, nineteen hundred and eight. Whenever a vacancy in the commission shall occur, the Governor shall forthwith appoint a qualified person to fill the same for the unexpired term, subject to confirmation by the General Assembly as aforesaid. Commissioners appointed for regular terms shall, at the beginning of the terms for which appointed, and those appointed to fill vacancies shall, immediately upon their appointments, enter upon the duties of their office; but no person so appointed, either for a regular term, or to fill a vacancy, shall enter upon, or continue in, office after the General Assembly shall have refused to confirm his appointment, or adjourned *sine die* without confirming the same, nor shall he be eligible for reappointment to fill the vacancy caused by such refusal or failure to confirm. No person while employed by, or holding any office in relation to, any transportation or transmission company, or while in any wise financially interested therein, or while engaged in practicing law, shall hold office as a member of said commission, or perform any of the duties thereof. At least one of the commissioners shall have the qualifications prescribed for judges of the Supreme Court of Appeals; and any commissioner may be impeached or removed in the manner provided for the impeachment or removal of a judge of said court. The commission shall annually elect one of their members chairman of the same, and shall have one clerk, one bailiff and such other clerks, officers, assistants and subordinates as may be provided by law, all of whom shall be appointed, and subject to removal, by the commission. It shall prescribe its own rules of order

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and procedure, except so far as the same are specified in this Constitution or any amendment thereof. The General Assembly may establish within the department, and subject to the supervision and control, of the commission, subordinate divisions, or bureaus, of insurance, banking or other special branches of the business of that department. All sessions of the commission shall be public, and a permanent record shall be kept of all its judgments, rules, orders, findings and decisions, and of all reports made to, or by, it. Two of the commissioners shall constitute a quorum for the transaction of business, whether there be a vacancy in the commission or not. The commission shall keep its office open for business on every day except Sundays and legal holidays. Transportation companies shall at all times transport, free of charge, within this State, the members of said commission and its officers, or any of them, when engaged on their official duties. The General Assembly shall provide suitable quarters for the commission and funds for its lawful expenses, including pay for witnesses summoned, and costs of executing processes issued, by the commission of its own motion; and shall fix the salaries of the members, clerks, assistants and subordinates of the commission and provide for the payment thereof; but the salary of each commissioner shall not be less than four thousand dollars per annum. After the first day of January, nineteen hundred and eight, the General Assembly may provide for the election of the members of the commission by the qualified voters of the State; in which event, vacancies thereafter occurring shall be filled as hereinbefore provided, until the expiration of twenty days after the next general election, held not less than sixty days after the vacancy occurs, at which election the vacancy shall be filled for the residue of the unexpired term.

Sec. 156. (a) Subject to the provisions of this Constitution and to such requirements, rules and regulations as may be prescribed by law, the State Corporation Commission shall be the department of government through which shall be issued all charters and amendments or extensions thereof, for domestic corporations, and all licenses to do business in this State to foreign corporations; and through which shall be carried out all the provision of this Constitution, and of the laws made in pursuance thereof, for the creation, visitation, supervision, regulation and control of corporations chartered by, or doing business in, this State. The commission shall prescribe the forms of all reports which may be required of such corporations by this Constitution or by law; it shall collect, receive, and preserve such

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reports, and annually tabulate and publish them in statistical form; it shall have all the rights and powers of, and perform all the duties devolving upon, the Railroad Commissioner and the Board of Public Works, at the time this Constitution goes into effect, except so far as they are inconsistent with this Constitution, or may be hereafter abolished or changed by law.

(b) The commission shall have the power, and be charged with the duty, of supervising, regulating and controlling all transportation and transmission companies doing business in this State, in all matters relating to the performance of their public duties and their charges therefor, and of correcting abuses therein by such companies; and to that end the commission shall, from time to time, prescribe, and enforce against such companies, in the manner hereinafter authorized, such rates, charges, classifications of traffic, and rules and regulations, and shall require them to establish and maintain all such public service, facilities and conveniences, as may be reasonable and just, which said rates, charges, classifications, rules, regulations and requirements, the commission may, from time to time, alter or amend. All rates, charges, classifications, rules and regulations adopted, or acted upon, by any such company, inconsistent with those prescribed by the commission, within the scope of its authority, shall be unlawful and void. The commission shall also have the right at all times to inspect the books and papers of all transportation and transmission companies doing business in this State, and to require from such companies, from time to time, special reports and statements under oath, concerning their business; it shall keep itself fully informed of the physical condition of all the railroads of the State, as to the manner in which they are operated, with reference to the security and accommodation of the public, and shall, from time to time, make and enforce such requirements, rules and regulations as may be necessary to prevent unjust or unreasonable discriminations by any transportation or transmission company in favor of, or against, any person, locality, community, connecting line, or kind of traffic, in the matter of car service, train or boat schedule, efficiency of transportation or otherwise, in connection with the public duties of such company. Before the commission shall prescribe or fix any rate, charge, or classification of traffic, and before it shall make any order, rule, regulation or requirement directed against any one or more companies by name, the company or companies to be affected by such rate, charge, classification, order, rule, regulation or requirement, shall first be given,

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by the commission, at least ten days' notice of the time and place, when and where the contemplated action in the premises will be considered and disposed of, and shall be afforded a reasonable opportunity to introduce evidence and to be heard thereon, to the end that justice may be done, and shall have process to enforce the attendance of witnesses; and before the commission shall make or prescribe any general order, rule, regulation or requirement, not directed against any specific company or companies by name, the contemplated general order, rule, regulation or requirement shall first be published in substance, not less than once a week for four consecutive weeks in one or more of the newspapers of general circulation published in the city of Richmond, Virginia, together with notice of the time and place, when and where the commission will hear any objections which may be urged by any person interested, against the proposed order, rule, regulation or requirement; and every such general order, rule, regulation or requirement, made by the commission shall be published at length, for the time and in the manner above specified, before it shall go into effect, and shall also, as long as it remains in force, be published in each subsequent annual report of the commission. The authority of the commission (subject to review on appeal as hereinafter provided) to prescribe rates, charges and classifications of traffic, for transportation and transmission companies, shall be paramount; but its authority to prescribe any other rules, regulations or requirements for corporations or other persons shall be subject to the superior authority of the General Assembly to legislate thereon by general laws: provided, however, that nothing in this section shall impair the right which has heretofore been, or may hereafter be, conferred by law upon the authorities of any city, town or county to prescribe rules, regulations or rates of charge to be observed by any public service corporation in connection with any services performed by it under a municipal or county franchise granted by such city, town or county, so far as such services may be wholly within the limits of the city, town or county granting the franchise. Upon the request of the parties interested, it shall be the duty of the commission, as far as possible, to effect, by mediation, the adjustment of claims, and the settlement of controversies, between transportation or transmission companies and their patrons.

(c) In all matters pertaining to the public visitation, regulation or control of corporations, and within the jurisdiction of the commission, it shall have the powers and authority of a court of record, to administer oaths, to compel

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the attendance of witnesses and the production of papers, to punish for contempt any person guilty of disrespectful or disorderly conduct in the presence of the commission while in session, and to enforce compliance with any of its lawful orders or requirements by adjudging, and enforcing by its own appropriate process, against the delinquent or offending company (after it shall have been first duly cited, proceeded against by due process of law before the commission sitting as a court, and afforded opportunity to introduce evidence and to be heard, as well against the validity, justness or reasonableness of the order or requirement alleged to have been violated, as against the liability of the company for the alleged violation), such fines or other penalties as may be prescribed or authorized by this Constitution or by law. The commission may be vested with such additional powers, and charged with such other duties (not inconsistent with this Constitution) as may be prescribed by law, in connection with the visitation, regulation or control of corporations, or with the prescribing and enforcing of rates and charges to be observed in the conduct of any business where the State has the right to prescribe the rates and charges in connection therewith, or with the assessment of the property of corporations, or the appraisement of their franchises, for taxation, or with the investigation of the subject of taxation generally. Any corporation failing or refusing to obey any valid order or requirement of the commission, within such reasonable time, not less than ten days, as shall be fixed in the order, may be fined by the commission (proceeding by due process of law as aforesaid) such sum, not exceeding five hundred dollars, as the commission may deem proper, or such sum, in excess of five hundred dollars, as may be prescribed, or authorized by law; and each day's continuance of such failure or refusal, after due service upon such corporation of the order or requirement of the commission, shall be a separate offence: provided, that should the operation of such order or requirement be suspended pending an appeal therefrom, the period of such suspension shall not be computed against the company in the matter of its liability to fines or penalties.

(d) From any action of the commission prescribing rates, charges or classifications of traffic, or affecting the train schedule of any transportation company, or requiring additional facilities, conveniences or public service of any transportation or transmission company, or refusing to approve a suspending bond, or requiring additional security thereon or an increase thereof, as provided for in sub-section (e) of

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this section, an appeal (subject to such reasonable limitations as to time, regulations as to procedure and provisions as to costs, as may be prescribed by law) may be taken by the corporation whose rates, charges or classifications of traffic, schedule, facilities, conveniences or service, are affected, or by any person deeming himself aggrieved by such action, or (if allowed by law) by the Commonwealth. Until otherwise provided by law, such appeal shall be taken in the manner in which appeals may be taken to the Supreme Court of Appeals from the inferior courts, except that such an appeal shall be of right, and the Supreme Court of Appeals may provide by rule for proceedings in the matter of appeals in any particular in which the existing rules of law are inapplicable. If such appeal be taken by the corporation whose rates, charges or classifications of traffic, schedules, facilities, conveniences or service are affected, the Commonwealth shall be made the appellee; but, in the other cases mentioned, the corporation so affected shall be made the appellee. The General Assembly may also, by general laws, provide for appeals from any other action of the commission, by the Commonwealth or by any person interested, irrespective of the amount involved. All appeals from the commission shall be to the Supreme Court of Appeals only; and in all appeals to which the Commonwealth is a party, it shall be represented by the Attorney-General or his legally appointed representative. No court of this Commonwealth (except the Supreme Court of Appeals, by way of appeals as herein authorized), shall have jurisdiction to review, reverse, correct or annul any action of the commission, within the scope of its authority, or to suspend or delay the execution or operation thereof, or to enjoin, restrain or interfere with the commission in the performance of its official duties: provided, however, that the writs of *mandamus* and prohibition shall lie from the Supreme Court of Appeals to the commission in all cases where such writs, respectively, would lie to any inferior tribunal or officer.

(e) Upon the granting of an appeal, a writ of *supersedeas* may be awarded by the appellate court, suspending the operation of the action appealed from until the final disposition of the appeal; but, prior to the final reversal thereof by the appellate court, no action of the commission prescribing or affecting the rates, charges or classifications of traffic of any transportation or transmission company shall be delayed, or suspended, in its operation, by reason of any appeal by such corporation, or by reason of any proceedings resulting from such appeal, until a suspending bond shall

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first have been executed and filed with, and approved by, the commission (or approved on review by the Supreme Court of Appeals), payable to the Commonwealth, and sufficient in amount and security to insure the prompt refunding, by the appealing corporation to the parties entitled thereto, of all charges which such company may collect or receive, pending the appeal, in excess of those fixed, or authorized, by the final decision of the court on appeal. The commission, upon the execution of such bond, shall forthwith require the appealing company, under penalty of the immediate enforcement (pending the appeal and notwithstanding any *supersedeas*), of the order or requirement appealed from, to keep such accounts, and to make to the commission, from time to time, such reports, verified by oath, as may, in the judgment of the commission, suffice to show the amounts being charged or received by the company, pending the appeal, in excess of the charge allowed by the action of the commission appealed from, together with the names and addresses of the persons to whom such overcharges will be refundable in case the charges made by the company pending the appeal, be not sustained on such appeal; and the commission shall also, from time to time, require such company, under like penalty, to give additional security on, or to increase, the said suspending bond, whenever, in the opinion of the commission, the same may be necessary to insure the prompt refunding of the overcharges aforesaid. Upon the final decision of such appeal, all amounts which the appealing company may have collected, pending the appeal, in excess of that authorized by such final decision, shall be promptly refunded by the company to the parties entitled thereto, in such manner, and through such methods of distribution, as may be prescribed by the commission, or by law. All such appeals affecting rates, charges or classifications of traffic, shall have precedence upon the docket of the appellate court, and shall be heard and disposed of promptly by the court, irrespective of its place of session, next after the *habeas corpus*, and Commonwealth's, cases already on the docket of the court.

(f) In no case of appeal from the commission shall any new or additional evidence be introduced in the appellate court; but the chairman of the commission, under the seal of the commission, shall certify to the appellate court all the facts upon which the action appealed from was based and which may be essential for the proper decision of the appeal, together with such of the evidence introduced before, or considered by, the commission as may be selected,

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specified and required to be certified, by any party in interest, as well as such other evidence, so introduced or considered, as the commission may deem proper to certify. The commission shall, whenever an appeal is taken therefrom, file with the record of the case, and as a part thereof, a written statement of the reasons upon which the action appealed from was based, and such statement shall be read and considered by the appellate court, upon disposing of the appeal. The appellate court shall have jurisdiction, on such appeal, to consider and determine the reasonableness and justness of the action of the commission appealed from, as well as any other matter arising under such appeal: provided, however, that the action of the commission appealed from shall be regarded as *prima facie* just, reasonable and correct; but the court may, when it deems necessary, in the interest of justice, remand to the commission any case pending on appeal, and require the same to be further investigated by the commission, and reported upon to the court (together with a certificate of such additional evidence as may be tendered before the commission by any party in interest), before the appeal is finally decided.

(g) Whenever the court, upon appeal, shall reverse an order of the commission affecting the rates, charges or the classification of traffic of any transportation or transmission company, it shall, at the same time, substitute therefor such order as, in its opinion, the commission should have made at the time of entering the order appealed from; otherwise, the reversal order shall not be valid. Such substituted order shall have the same force and effect (and none other) as if it had been entered by the commission at the time the original order appealed from was entered. The right of the commission to prescribe and enforce rates, charges, classifications, rules and regulations, affecting any or all actions of the commission theretofore entered by it and appealed from, but based upon circumstances or conditions different from those existing at the time the order appealed from was made, shall not be suspended or impaired by reason of the pendency of such appeal; but no order of the commission, prescribing or altering such rates, charges, classifications, rules or regulations, shall be retroactive.

(h) The right of any person to institute and prosecute in the ordinary courts of justice, any action, suit or motion against any transportation or transmission company, for any claim or cause of action against such company, shall not be extinguished or impaired, by reason of any fine or other penalty which the commission may impose, or be

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authorized to impose, upon such company because of its breach of any public duty, or because of its failure to comply with any order or requirement of the commission; but, in no such proceeding by any person against such corporation, nor in any collateral proceeding, shall the reasonableness, justness or validity of any rate, charge, classification of traffic, rule, regulation or requirement, theretofore prescribed by the commission, within the scope of its authority, and then in force, be questioned: provided, however, that no case based upon or involving any order of the commission shall be heard, or disposed of, against the objection of either party, so long as such order is suspended in its operation by an order of the Supreme Court of Appeals as authorized by this Constitution or by any law passed in pursuance thereof.

(i) The commission shall make annual reports to the Governor of its proceedings, in which reports it shall recommend, from time to time, such new or additional legislation in reference to its powers or duties, or to the creation, supervision, regulation or control of corporations, or to the subject of taxation, as it may deem wise or expedient, or as may be required by law.

(k) Upon the organization of the State Corporation Commission, the Board of Public Works and the office of Railroad Commissioner, shall cease to exist; and all books, papers and documents pertaining thereto, shall be transferred to, and become a part of the records of, the office of the State Corporation Commission.

(l) After the first day of January, nineteen hundred and five, in addition to the modes of amendment provided for in Article Fifteen of this Constitution, the General Assembly, upon the recommendation of the State Corporation Commission, may, by law, from time to time, amend subsections a to i, inclusive, of this section, or any of them, or any such amendment thereof: provided, that no amendment made under authority of this sub-section shall contravene the provisions of any part of this Constitution other than the sub-sections last above referred to or any such amendment thereof.

Sec. 157. Provision shall be made by general laws for the payment of a fee to the Commonwealth by every domestic corporation, upon the granting, amendment or extension of its charter, and by every foreign corporation upon obtaining a license to do business in this State as specified in this section; and also for the payment, by every domestic corporation, and foreign corporation doing business in this State, of an annual registration fee of not less

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than five dollars nor more than twenty-five dollars, which shall be irrespective of any specific license, or other, tax imposed by law upon such company for the privilege of carrying on its business in this State, or upon its franchise or property; and for the making, by every such corporation (at the time of paying such annual registration fee), of such report to the State Corporation Commission, of the status, business or condition of such corporation, as the General Assembly may prescribe. No foreign corporation shall have authority to do business in this State, until it shall have first obtained from the commission a license to do business in this State, upon such terms and conditions as may be prescribed by law. The failure by any corporation for two successive years to pay its annual registration fee, or to make its said annual reports, shall, when such failure shall have continued for ninety days after the expiration of such two years, operate as a revocation and annulment of the charter of such corporation if it be a domestic company, or, of its license to do business in this State if it be a foreign company; and the General Assembly shall provide additional and suitable penalties for the failure of any corporation to comply promptly with the requirements of this section, or of any laws passed in pursuance thereof. The commission shall compel all corporations to comply promptly with such requirements, by enforcing, in the manner hereinbefore authorized, such fines and penalties against the delinquent company as may be provided for, or authorized by, this article; but the General Assembly may relieve from the payment of the said registration fee any purely charitable institution or institutions.

Sec. 158. Every corporation heretofore chartered in this State, which shall hereafter accept, or effect, any amendment or extension of its charter, shall be conclusively presumed to have thereby surrendered every exemption from taxation, and every non-repealable feature of its charter and of the amendments thereof, and also all exclusive rights or privileges theretofore granted to it by the General Assembly and not enjoyed by other corporations of a similar general character; and to have thereby agreed to thereafter hold its charter and franchises, and all amendments thereof, under the provisions and subject to all the requirements, terms and conditions of this Constitution and of any laws passed in pursuance thereof, so far as the same may be applicable to such corporation.

Sec. 159. The exercise of the right of eminent domain shall never be abridged, nor so construed as to prevent the General Assembly from taking the property and franchises

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of corporations and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged, nor so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

Sec. 160. No transportation or transmission company shall charge or receive any greater compensation, in the aggregate, for transporting the same class of passengers or property, or for transmitting the same class of messages, over a shorter than over a longer distance, along the same line and in the same direction—the shorter being included in the longer distance; but this section shall not be construed as authorizing any such company to charge or receive as great compensation for a shorter as for a longer distance. The State Corporation Commission may, from time to time, authorize any such company to disregard the foregoing provisions of this section, by charging such rates as the commission may prescribe as just and equitable between such company and the public, to or from any junctional or competitive points or localities, or where the competition of points located without this State may make necessary the prescribing of special rates for the protection of the commerce of this State; but this section shall not apply to mileage tickets, or to any special excursion, or commutation, rates, or to special rates for services rendered to the government of this State, or of the United States, or in the interest of some public object, when such tickets or rates shall have been prescribed or authorized by the commission.

Sec. 161. No transportation or transmission company doing business in this State shall grant to any member of the General Assembly, or to any State, county, district or municipal officer, except to members and officers of the State Corporation Commission for their personal use while in office, any frank, free pass, free transportation, or any rebate or reduction in the rates charged by such company to the general public for like services. For violation of the provisions of this section the offending company shall be liable to such penalties as may be prescribed by law; and any member of the General Assembly, or any such officer, who shall, while in office, accept any gift, privilege or benefit as is prohibited by this section, shall thereby forfeit his office, and be subject to such further penalties as may be prescribed by law; but this section shall not prevent a street railway company from transporting free of charge any member of the police force or fire department while in

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the discharge of his official duties, nor prohibit the acceptance by any such policeman or fireman of such free transportation.

Sec. 162. The doctrine of fellow-servant, so far as it affects the liability of the master for injuries to his servant resulting from the acts or omissions of any other servant or servants of the common master, is, to the extent hereinafter stated, abolished as to every employee of a railroad company, engaged in the physical construction, repair or maintenance of its roadway, track or any of the structures connected therewith, or in any work in or upon a car or engine standing upon a track, or in the physical operation of a train, car, engine, or switch, or in any service requiring his presence upon a train, car or engine; and every such employee shall have the same right to recover for every injury suffered by him from the acts or omissions of any other employee or employees of the common master, that a servant would have (at the time when this Constitution goes into effect), if such acts or omissions were those of the master himself in the performance of a non-assignable duty: provided, that the injury, so suffered by such railroad employee, result from the negligence of an officer, or agent, of the company of a higher grade of service than himself, or from that of a person, employed by the company, having the right, or charged with the duty, to control or direct the general services or the immediate work of the party injured, or the general services or the immediate work of the co-employee through, or by, whose act or omission he is injured; or that it result from the negligence of a co-employee engaged in another department of labor, or engaged upon, or in charge of, any car upon which, or upon the train of which it is a part, the injured employee is not at the time of receiving the injury, or who is in charge of any switch, signal point, or locomotive engine, or is charged with dispatching trains or transmitting telegraphic or telephonic orders therefor; and whether such negligence be in the performance of an assignable or non-assignable duty. The physical construction, repair or maintenance of the roadway, track or any of the structures connected therewith, and the physical construction, repair, maintenance, cleaning or operation of trains, cars or engines, shall be regarded as different departments of labor within the meaning of this section. Knowledge, by any such railroad employee injured, of the defective or unsafe character or condition of any machinery, ways, appliances or structures, shall be no defence to an action for injury caused thereby. When death, whether instantaneous or not, results to such an employee

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from any injury for which he could have recovered, under the above provisions, had death not occurred, then his legal or personal representative, surviving consort, and relatives (and any trustee, curator, committee or guardian of such consort or relatives) shall, respectively, have the same rights and remedies with respect thereto as if his death had been caused by the negligence of a co-employee while in the performance, as vice-principal, of a non-assignable duty of the master. Every contract or agreement, express or implied, made by an employee, to waive the benefit of this section, shall be null and void. This section shall not be construed to deprive any employee, or his legal or personal representative, surviving consort or relatives (or any trustee, curator, committee or guardian of such consort or relatives), of any rights or remedies that he or they may have by the law of the land, at the time this Constitution goes into effect. Nothing contained in this section shall restrict the power of the General Assembly to further enlarge, for the above-named class of employees, the rights and remedies hereinbefore provided for, or to extend such rights and remedies to, or otherwise enlarge the present rights and remedies of, any other class of employees of railroads or of employees of any person, firm or corporation.

Sec. 163. No foreign corporation shall be authorized to carry on, in this State, the business, or to exercise any of the powers or functions, of a public service corporation, or be permitted to do anything which domestic corporations are prohibited from doing, or be relieved from compliance with any of the requirements made of similar domestic corporations by the Constitution and laws of this State, where the same can be made applicable to such foreign corporation without discriminating against it. But this section shall not affect any public service corporation whose line or route extends across the boundary of this Commonwealth, nor prevent any foreign corporation from continuing in such lawful business as it may be actually engaged in within this State, when this Constitution goes into effect; but any such foreign public service corporation, so engaged, shall not, without first becoming incorporated under the laws of this State, be authorized to acquire, lease, use or operate, within this State, any public or municipal franchise or franchises in addition to such as it may own, lease, use or operate when this Constitution goes into effect. The property, within this State, of foreign corporations shall always be subject to attachment, the same as that of non-resident individuals; and nothing in this section shall restrict the power of the General Assembly to discriminate against foreign corpora-

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tions whenever, and in whatsoever respect, it may deem wise or expedient.

Sec. 164. The right of the Commonwealth, through such instrumentalities as it may select, to prescribe and define the public duties of all common carriers and public service corporations, to regulate and control them in the performance of their public duties, and to fix and limit their charges therefor, shall never be surrendered nor abridged.

Sec. 165. The General Assembly shall enact laws preventing all trusts, combinations and monopolies, inimical to the public welfare.

Sec. 166. The exclusive right to build or operate railroads parallel to its own, or any other, line of railroad, shall not be granted to any company; but every railroad company shall have the right, subject to such reasonable regulations as may be prescribed by law, to parallel, intersect, connect with or cross, with its roadway, any other railroad or railroads; but no railroad company shall build or operate any line of railroad not specified in its charter, or in some amendment thereof. All railroad companies, whose lines of railroad connect, shall receive and transport each other's passengers, freight, and loaded or empty cars, without delay or discrimination. Nothing in this section shall deprive the General Assembly of the right to prevent by statute, repealable at pleasure, any railroad from being built parallel to the present line of the Richmond, Fredericksburg and Potomac railroad.

Sec. 167. The General Assembly shall enact general laws regulating and controlling all issues of stock and bonds by corporations. Whenever stock or bonds are to be issued by a corporation, it shall, before issuing the same, file with the State Corporation Commission a statement (verified by the oath of the president or secretary of the corporation, and in such form as may be prescribed or permitted by the commission) setting forth fully and accurately the basis, or financial plan, upon which such stock or bonds are to be issued; and where such basis or plan includes services or property (other than money), received or to be received by the company, such statement shall accurately specify and describe, in the manner prescribed, or permitted, by the commission, the services and property, together with the valuation at which the same are received or to be received; and such corporation shall comply with any other requirements or restrictions which may be imposed by law. The General Assembly shall provide adequate penalties for the violation of this section, or of any laws passed in pursuance thereof; and it shall be the duty of the commission to adjudge, and

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enforce (in the manner hereinbefore provided), against any corporation refusing or failing to comply with the provisions of this section, or of any laws passed in pursuance thereof, such fines and penalties as are authorized by this Constitution, or may be prescribed by law.

ARTICLE XIII.

TAXATION AND FINANCE.

Sec. 168. All property, except as hereinafter provided, shall be taxed; all taxes, whether State, local, or municipal, shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws.

Sec. 169. Except as hereinafter provided, all assessments of real estate and tangible personal property shall be at their fair market value, to be ascertained as prescribed by law. The General Assembly may allow a lower rate of taxation to be imposed for a period of years by a city or town upon land added to its corporate limits, than is imposed on similar property within its limits at the time such land is added. Nothing in this Constitution shall prevent the General Assembly, after the first day of January, nineteen hundred and thirteen, from segregating for the purposes of taxation, the several kinds or classes of property, so as to specify and determine upon what subjects, State taxes, and upon what subjects, local taxes may be levied.

Sec. 170. The General Assembly may levy a tax on incomes in excess of six hundred dollars per annum; may levy a license tax upon any business which cannot be reached by the *ad valorem* system; and may impose State franchise taxes, and in imposing a franchise tax, may, in its discretion, make the same in lieu of taxes upon other property, in whole or in part, of a transportation, industrial, or commercial corporation. Whenever a franchise tax shall be imposed upon a corporation doing business in this State, or whenever all the capital, however invested, of a corporation chartered under the laws of this State, shall be taxed, the shares of stock issued by any such corporation, shall not be further taxed. No city or town shall impose any tax or assessment upon abutting land owners for street or other public local improvements, except for making and improving the walkways upon then existing streets, and improving and paving then existing alleys, and for either the construction, or for the use of sewers; and the same when imposed, shall not be in excess of the peculiar benefits result-

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ing therefrom to such abutting land owners. Except in cities and towns, no such taxes or assessments, for local public improvements shall be imposed on abutting land owners.

Sec. 171. The General Assembly shall provide for a reassessment of real estate, in the year nineteen hundred and five, and every fifth year thereafter, except that of railway and canal corporations, which, after January the first, nineteen hundred and thirteen, may be assessed as the General Assembly may provide.

Sec. 172. The General Assembly shall provide for the special and separate assessment of all coal and other mineral land; but until such special assessment is made, such land shall be assessed under existing laws.

Sec. 173. The General Assembly shall levy a State capitation tax of, and not exceeding, one dollar and fifty cents per annum on every male resident of the State not less than twenty-one years of age, except those pensioned by this State for military services; one dollar of which shall be applied exclusively in aid of the public free schools, in proportion to the school population, and the residue shall be returned and paid by the State into the treasury of the county or city in which it was collected, to be appropriated by the proper county or city authorities to such county or city purposes as they shall respectively determine; but said State capitation tax shall not be a lien upon, nor collected by legal process from, the personal property which may be exempt from levy or distress under the poor debtor's law. The General Assembly may authorize the board of supervisors of any county, or the council of any city or town, to levy an additional capitation tax not exceeding one dollar per annum on every such resident within its limits, which shall be applied in aid of the public schools of such county, city or town, or for such other county, city or town purposes as they shall determine.

Sec. 174. After this Constitution shall be in force, no statute of limitation shall run against any claim of the State for taxes upon any property; nor shall the failure to assess property for taxation defeat a subsequent assessment for and collection of taxes for any preceding year or years, unless such property shall have passed to a *bona fide* purchaser for value, without notice; in which latter case the property shall be assessed for taxation against such purchaser from the date of his purchase.

Sec. 175. The natural oyster beds, rocks, and shoals, in the waters of this State, shall not be leased, rented or sold, but shall be held in trust for the benefit of the people of this State, subject to such regulations and restrictions as

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the General Assembly may prescribe, but the General Assembly may, from time to time, define and determine such natural beds, rocks or shoals, by surveys or otherwise.

Sec. 176. The State Corporation Commission shall annually ascertain and assess, at the time hereinafter mentioned, and in the manner required of the Board of Public Works, by the law in force on January the first, nineteen hundred and two, the value of the roadbed, and other real estate, rolling stock, and all other personal property whatsoever (except its franchise and the non-taxable shares of stock issued by other corporations) in this State, of each railway corporation, whatever its motive power, now or hereafter liable for taxation upon such property; the canal bed and other real estate, the boats and all other personal property whatsoever (except its franchise and the non-taxable shares of stock issued by other corporations) in this State, of each canal corporation, empowered to conduct transportation; and such property shall be taxed for State, county, city, town, and district purposes in the same manner as authorized by said law, at such rates of taxation as may be imposed by them, respectively, from time to time, upon the real estate and personal property of natural persons: provided, that no tax shall be laid upon the net income of such corporations.

Sec. 177. Each such railway or canal corporation, including also any such as is exempt from taxation as to its works, visible property, or profits, shall also pay an annual State franchise tax equal to one per centum upon the gross receipts hereinafter specified in section One Hundred and Seventy-eight, for the privilege of exercising its franchises in this State, which, with the taxes provided for in section One Hundred and Seventy-six, shall be in lieu of all other taxes or license charges whatsoever upon the franchises of such corporation, the shares of stock issued by it, and upon its property assessed under section One Hundred and Seventy-six: provided, that nothing herein contained shall exempt such corporation from the annual fee required by section One Hundred and Fifty-seven of this Constitution, or from assessments for street and other public local improvements authorized by section One Hundred and Seventy; and provided, further, that nothing herein contained shall annul or interfere with, or prevent any contract or agreement by ordinance between street railway corporations and municipalities, as to compensation for the use of the streets or alleys of such municipalities by such railway corporations.

Sec. 178. The amount of such franchise tax shall be equal to one per centum of the gross transportation receipts of

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such corporations for the year ending June the thirtieth of each year, to be ascertained by the State Corporation Commission, in the following manner:

(a) When the road or canal of the corporation lies wholly within this State, the tax shall be equal to one per centum of the entire gross transportation receipts of such corporation.

(b) When the road or canal of the corporation lies partly within and partly without this State, or is operated as a part of a line or system extending beyond this State, the tax shall be equal to one per centum of the gross transportation receipts earned within this State, to be determined as follows: By ascertaining the average gross transportation receipts per mile over its whole extent within and without this State, and multiplying the result by the number of miles operated within this State: provided, that from the sum so ascertained there may be a reasonable deduction because of any excess of value of the terminal facilities or other similar advantages in other States over similar facilities or advantages in this State.

Sec. 179. Each corporation mentioned in sections One Hundred and Seventy-six and One Hundred and Seventy-seven shall annually, on the first day of September, make to the State Corporation Commission the report which the law, in force January the first, nineteen hundred and two, required to be made annually to the Board of Public Works by every railroad and canal company in this State, not exempt from taxation by virtue of its charter, which report shall also show the property taxable in this State belonging to the corporation on the thirtieth day of June preceding, and its total gross transportation receipts for the year ending on that date. Upon receiving such report the State Corporation Commission shall, after thirty days' notice previously given, as provided by said law, assess the value of the property not exempt from taxation, of the corporation, and ascertain the amount of the franchise tax and other State taxes chargeable against it. All taxes for which the corporation is liable shall be paid on or before the first day of December following. The provisions of said law, except as changed by this article, shall apply to the ascertainment and collection of the franchise, as well as other taxes of such corporations. Said taxes, until paid, shall be a lien upon the property within this State of the corporation owning the same, and take precedence of all other liens or incumbrances.

Sec. 180. Any corporation aggrieved by the assessment and ascertainment made under sections One Hundred and Seventy-

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six and One Hundred and Seventy-eight may, within thirty days after receiving a certified copy thereof, apply for relief to the circuit court of the city of Richmond. Notice of the application, setting forth the grounds of complaint, verified by affidavit, shall be served on the State Corporation Commission, and on the Attorney-General whose duty it shall be to represent the State. The court, if of opinion that the assessment or tax is excessive, shall reduce the same; but, if of opinion, that it is insufficient, shall increase the same. Unless the applicant paid the taxes under protest, when due, the court, if it disallow the application, shall give judgment against it for a sum, by way of damages, equal to interest at the rate of one per centum per month upon the amount of taxes from the time the same were payable. If the application be allowed, in whole or in part, appropriate relief shall be granted, including the right to recover any excess of taxes that may have been paid, with legal interest thereon, and costs, from the State or local authorities, or both, as the case may be; the judgment to be enforceable by *mandamus* or other proper process issuing from the court finally adjudicating the application. Subject to the provisions of Article Six of this Constitution, the Supreme Court of Appeals may allow a writ of error to either party.

Sec. 181. After January the first, nineteen hundred and three, the system of taxation, as to the corporations mentioned in sections One Hundred and Seventy-six and One Hundred and Seventy-seven, shall be as set forth in sections One Hundred and Seventy-six to One Hundred and Eighty, inclusive; and for that year the franchise tax shall be based upon such gross receipts for the year ending the thirtieth day of June, nineteen hundred and three, and such system shall so remain until the first day of January, nineteen hundred and thirteen, and thereafter until modified or changed, as may be prescribed by law: provided, that, if the said system shall for any reason become inoperative, the General Assembly shall have power to adopt some other system.

Sec. 182. Until otherwise prescribed by law, the shares of stock issued by trust or security companies chartered by this State, and by incorporated banks, shall be taxed in the same manner in which the shares of stock issued by incorporated banks were taxed, by the law in force January the first, nineteen hundred and two; but from the total assessed value of the shares of stock of any such company or bank, there shall be deducted the assessed value of its real estate otherwise taxed in this State, and the value of each share of stock shall be its proportion of the remainder.

Sec. 183. Except as otherwise provided in this Constitu-

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tion, the following property and no other, shall be exempt from taxation, State and local; but the General Assembly may hereafter tax any of the property hereby exempted save that mentioned in sub-section (a):

(a) Property directly or indirectly owned by the State, however held, and property lawfully owned and held by counties, cities, towns, or school districts, used wholly and exclusively for county, city, town, or public-school purposes, and obligations issued by the State since the fourteenth day of February, eighteen hundred and eighty-two or hereafter exempted by law.

(b) Buildings with land they actually occupy, and the furniture and furnishings therein lawfully owned and held by churches or religious bodies, and wholly and exclusively used for religious worship, or for the residence of the minister of any such church or religious body, together with the additional adjacent land reasonably necessary for the convenient use of any such building.

(c) Private family burying-grounds not exceeding one acre in area, reserved as such by will or deed, or shown by other sufficient evidence to be reserved as such, and so exclusively used, and public burying-grounds and lots therein exclusively used for burial purposes, and not conducted for profit, whether owned or managed by local authorities or by private corporations.

(d) Buildings with the land they actually occupy and the furniture, furnishings, books and instruments therein, wholly devoted to educational purposes, belonging to, and actually and exclusively occupied and used by churches, public libraries, incorporated colleges, academies, industrial schools, seminaries, or other incorporated institutions of learning, including the Virginia Historical Society, which are not corporations having shares of stock or otherwise owned by individuals or other corporations; together with such additional adjacent land owned by such churches, libraries and educational institutions as may be reasonably necessary for the convenient use of such buildings, respectively; and also the buildings thereon used as residences by the officers or instructors of such educational institutions; and also the permanent endowment funds held by such libraries and educational institutions directly or in trust, and not invested in real estate: provided, that such libraries and educational institutions are not conducted for profit of any person or persons, natural or corporate, directly, or under any guise or pretence whatsoever. But the exemption mentioned in this sub-section shall not apply to any industrial school, individual or corporate, not the property of the State, which

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does work for compensation, or manufactures and sells articles, in the community in which such school is located; provided, that nothing herein contained shall restrict any such school from doing work for or selling its own products or any other articles to any of its students or employees.

(e) Real estate belonging to, actually and exclusively occupied, and used by, and personal property, including endowment funds, belonging to Young Men's Christian Associations, and other similar religious associations, orphan or other asylums, reformatories, hospitals and nunneries, which are not conducted for profit, but purely and completely as charities.

(f) Buildings with the land they actually occupy, and the furniture and furnishings therein, belonging to any benevolent or charitable association and used exclusively for lodge purposes or meeting rooms by such association, together with such additional adjacent land as may be necessary for the convenient use of the buildings for such purposes; and

(g) Property belonging to the Association for the Preservation of Virginia Antiquities, the Confederate Memorial Literary Society, and the Mount Vernon Ladies' Association of the Union.

No inheritance tax shall be charged, directly or indirectly, against any legacy or devise made according to law for the benefit of any institution or other body or any natural or corporate person whose property is exempt from taxation as hereinbefore mentioned in this section.

Nothing contained in this section shall be construed to exempt from taxation the property of any person, firm, association or corporation, who shall, expressly or impliedly, directly or indirectly, contract or promise to pay any sum of money or other benefit, on account of death, sickness, or accident to any of its members or any other person; and whenever any building or land, or part thereof, mentioned in this section and not belonging to the State, shall be leased or shall be a source of revenue or profit, all of such buildings and land shall be liable to taxation as other land and buildings in the same county, city, or town; and nothing herein contained shall be construed as authorizing or requiring any county, city, or town to tax for county, city or town purposes, in violation of the rights of the lessees thereof existing under any lawful contract heretofore made, any real estate owned by such county, city or town, and heretofore leased by it.

Obligations issued by counties, cities, or towns may be exempted by the authorities of such localities from local taxation.

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Sec. 184. No debt shall be contracted by the State except to meet casual deficits in the revenue, to redeem a previous liability of the State, to suppress insurrection, repel invasion, or defend the State in time of war. No scrip, certificate, or other evidence of State indebtedness, shall be issued except for the transfer or redemption of stock previously issued, or for such debts as are expressly authorized in this Constitution.

Sec. 185. Neither the credit of the State, nor of any county, city, or town, shall be, directly or indirectly, under any device or pretence whatsoever, granted to or in aid of any person, association, or corporation; nor shall the State, or any county, city, or town subscribe to or become interested in the stock or obligations of any company, association, or corporation, for the purpose of aiding in the construction or maintenance of its work; nor shall the State become a party to or become interested in any work of internal improvement, except public roads, or engaged in carrying on any such work; nor assume any indebtedness of any county, city, or town, nor lend its credit to the same; but this section shall not prevent a county, city or town from perfecting a subscription to the capital stock of a railroad company authorized by existing charter conditioned upon the affirmative vote of the voters and freeholders of such county, city or town in favor of such subscription: provided, that such vote be had prior to July first, nineteen hundred and three.

Sec. 186. All taxes, licenses, and other revenue of the State, shall be collected by its proper officers and paid into the State treasury. No money shall be paid out of the State treasury except in pursuance of appropriations made by law; and no such appropriation shall be made which is payable more than two years after the end of the session of the General Assembly, at which the law is enacted authorizing the same; and no appropriation shall be made for the payment of any debt or obligation created in the name of the State during the war between the Confederate States and the United States. Nor shall any county, city, or town pay any debt or obligation created by such county, city, or town in aid of said war.

Sec. 187. The General Assembly shall provide and maintain a sinking fund in accordance with the provisions of section Ten of the act, approved February the twentieth, eighteen hundred and ninety-two, entitled "an act to provide for the settlement of the public debt of Virginia not funded under the provisions of an act entitled an act to ascertain and declare Virginia's equitable share of the debt created

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before, and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering the same, and the regular and prompt payment of the interest thereon, approved February the fourteenth, eighteen hundred and eighty-two." Every law hereafter enacted by the General Assembly, creating a debt or authorizing a loan, shall provide for the creation and maintenance of a sinking fund for the payment or redemption of the same.

Sec. 188. No other or greater amount of tax or revenue shall, at any time, be levied than may be required for the necessary expenses of the government, or to pay the indebtedness of the State.

Sec. 189. On all lands and the improvements thereon, and on all tangible personal property, not exempt from taxation by the provisions of this article, the rate of State taxation shall be twenty cents on every hundred dollars of the assessed value thereof, the proceeds of which shall be applied to the expenses of the government and the indebtedness of the State, and a further tax of ten cents on every hundred dollars of the assessed value thereof, which shall be applied to the support of the public free schools of the State: provided, that after the first day of January, nineteen hundred and seven, the tax rate upon said real and personal property, for such purposes shall be prescribed by law. But the General Assembly during such period of four years, in addition to making annually an appropriation for pensions not to exceed the last appropriation made for such purpose prior to September the thirtieth, nineteen hundred and one, may levy annually, a special tax for pensions, on such real and personal property of not exceeding five cents on the hundred dollars of the assessed value thereof.

ARTICLE XIV.

MISCELLANEOUS PROVISIONS.

HOMESTEAD AND OTHER EXEMPTIONS.

Sec. 190. Every householder or head of a family shall be entitled, in addition to the articles now exempt from levy or distress for rent, to hold exempt from levy, seizure, garnishment, or sale under any execution, order, or other process issued on any demand for a debt hereafter contracted, his real and personal property, or either, including money and debts due him, to the value of not exceeding two thousand dollars, to be selected by him: provided, that such

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exemption shall not extend to any execution, order, or other process issued on any demand in the following cases:

First. For the purchase price of said property, or any part thereof. If the property purchased, and not paid for, be exchanged for, or converted into, other property by the debtor, such last-named property shall not be exempted from the payment of such unpaid purchase money under the provisions of this article;

Second. For services rendered by a laboring person or mechanic;

Third. For liabilities incurred by any public officer, or officer of a court, or any fiduciary, or any attorney-at-law for money collected;

Fourth. For a lawful claim for any taxes, levies, or assessments accruing after the first day of June, eighteen hundred and sixty-six;

Fifth. For rent;

Sixth. For the legal or taxable fees of any public officer or officer of a court.

Sec. 191. The said exemption shall not be claimed or held in a shifting stock of merchandise, or in any property, the conveyance of which by the homestead claimant has been set aside on the ground of fraud or want of consideration.

Sec. 192. The General Assembly shall prescribe the manner and the conditions on which a householder or head of a family shall set apart and hold for himself and family a homestead in any of the property hereinbefore mentioned. But this section shall not be construed as authorizing the General Assembly to defeat or impair the benefits intended to be conferred by the provisions of this article.

Sec. 193. Nothing contained in this article shall invalidate any homestead exemption heretofore claimed under the provisions of the former Constitution; or impair in any manner the right of any householder or head of a family existing at the time that this Constitution goes into effect, to select the exemption, or any part thereof, to which he was entitled under the former Constitution; provided that such right, if hereafter exercised, be not in conflict with the exemptions set forth in sections One Hundred and Ninety and One Hundred and Ninety-one. But no person who has selected and received the full exemption allowed by the former Constitution shall be entitled to select an additional exemption under this Constitution; and no person who has selected and received part of the exemption allowed by the former Constitution shall be entitled to select an additional exemption beyond the difference between the value of such part and a total valuation of two thousand dollars. So far as necessary

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to accomplish the purposes of this section the provisions of chapter One Hundred and Seventy-eight of the Code of Virginia, and the acts amendatory thereof, shall remain in force until repealed by the General Assembly. The provisions of this article shall be liberally construed.

Sec. 194. The General Assembly is hereby prohibited from passing any law staying the collection of debts, commonly known as "stay laws"; but this section shall not be construed as prohibiting any legislation which the General Assembly may deem necessary to fully carry out the provisions of this article.

HEIRS OF PROPERTY.

Sec. 195. The children of parents, one or both of whom were slaves at and during the period of cohabitation, and who were recognized by the father as his children, and whose mother was recognized by such father as his wife, and was cohabited with as such, shall be as capable of inheriting any estate whereof such father may have died seised, or possessed, or to which he was entitled, as though they had been born in lawful wedlock.

ARTICLE XV.

FUTURE CHANGES IN THE CONSTITUTION.

Sec. 196. Any amendment or amendments to the Constitution may be proposed in the Senate or House of Delegates, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes taken thereon, and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates, and shall be published for three months previous to the time of such election. If, at such regular session the proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people, in such manner and at such times as it shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors, qualified to vote for members of the General Assembly, voting thereon, such amendment or amendments shall become part of the Constitution.

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Sec. 197. At such time as the General Assembly may provide, a majority of the members elected to each house being recorded in the affirmative, the question, "shall there be a convention to revise the Constitution and amend the same?" shall be submitted to the electors qualified to vote for members of the General Assembly; and in case a majority of the electors so qualified, voting thereon, shall vote in favor of a convention for such purpose, the General Assembly, at its next session, shall provide for the election of delegates to such convention; and no convention for such purpose shall be otherwise called.

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SCHEDULE.

That no inconvenience may arise from the adoption of this Constitution, and in order to provide for carrying it into complete operation, it is hereby ordained that:

Section 1. The common law and the statute laws in force at the time this Constitution goes into effect, so far as not repugnant thereto or repealed thereby, shall remain in force until they expire by their own limitation, or are altered or repealed by the General Assembly.

Sec. 2. All ordinances adopted by this Convention, and appended to the official original draft of the Constitution delivered to the Secretary of the Commonwealth, shall have the same force and effect, as if they were parts of this Constitution.

Sec. 3. Except as modified by this Constitution, all writs, actions and causes of action, prosecutions, rights of individuals, of bodies corporate or politic, and of the State, shall continue. All legal proceedings, civil and criminal, pending at the time this Constitution goes into effect, or instituted prior to the first day of February, nineteen hundred and four, in any county or circuit court as now existing, shall be prosecuted therein: provided, that all such matters, which are not finally terminated before the day last above mentioned, shall, on that date, by operation of this Constitution and Schedule, be transferred to the circuit court of the county or city created under this Constitution, and shall be proceeded with therein. All such matters pending in the city courts, preserved by this Constitution, when the same goes into effect, or thereafter instituted therein, shall continue in said courts, and be therein proceeded with, until otherwise provided by law. All matters before justices of the peace or police justices at the time this Constitution goes into effect, shall be proceeded with before them, until otherwise provided by law. All legal proceedings prosecuted after this Constitution goes into effect, whether in any of the courts now existing, or in those created by this Constitution, shall be proceeded with in the manner now or hereafter provided by law, except as otherwise required by this Constitution.

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Sec. 4. All taxes, fines, penalties, forfeitures and escheats, accrued or accruing to the Commonwealth, or to any political subdivision thereof, under the present Constitution, or under the laws now in force, shall, under this Constitution, enure to the use of the Commonwealth, or of such subdivision thereof.

Sec. 5. All recognizances, and other obligations, and all other instruments entered into or executed before the adoption of this Constitution, or before the complete organization of the departments thereunder, to the Commonwealth, or to any county, or political subdivision thereof, city, town, board, or other public corporation, or institution therein, or to any public officer, shall remain binding and valid, and rights and liabilities thereunder shall continue and may be enforced or prosecuted in the courts of this State as now or hereafter provided by law.

Sec. 6. From the day this Constitution goes into effect, the present judges of the Supreme Court of Appeals, or their successors then in office, shall be the judges of the Supreme Court of Appeals created by this Constitution, and continue in office, unless sooner removed, until February the first, nineteen hundred and seven. The jurisdiction of the court shall be as now or hereafter provided by law, subject to the provisions of this Constitution. All proceedings, then pending in the court as now organized, shall, by virtue of this Constitution, be transferred to and disposed of by the court created by this Constitution.

Sec. 7. The present judicial system of county and circuit courts of the Commonwealth is continued, and the terms of the several judges thereof, with the powers and duties now possessed by them respectively, are continued, until the first day of February, nineteen hundred and four, as if this Constitution had not been adopted; on which day the judicial system of circuit courts created by this Constitution shall go into operation. The terms of the judges of the city courts, as preserved by this Constitution, of the cities of Alexandria, Charlottesville, Danville, Fredericksburg, Lynchburg, Petersburg, Norfolk, Portsmouth, Richmond, Staunton, Manchester, Roanoke, Winchester, and Newport News, shall continue until the first day of February, nineteen hundred and seven; and the terms of the judges of the city courts, as preserved by this Constitution, of the cities of Bristol, Radford and Buena Vista, shall continue until the first day of February, nineteen hundred and four, unless the said courts shall be sooner abolished. The privilege now allowed by statute to judges of county courts and to judges of cer-

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tain city courts to practice law, shall continue during the terms of the judges whose terms are continued by this Schedule, unless otherwise provided by law.

Sec. 8. The terms of the clerks of the county and circuit courts now in office, or their successors, shall continue until the first day of February, nineteen hundred and four; and thereupon, the several clerks of the county courts in those counties in which such clerks are now *ex-officio* clerks of the circuit courts of said counties shall be and become the county clerks of their respective counties, and the clerks of all the other county courts of the State, except the counties of Accomac, Augusta, Bedford, Campbell, Elizabeth City, Fairfax, Lee, Loudoun, Hanover, Henrico, Rockingham, Nansemond, Southampton, Pittsylvania, Nelson, and Wythe, and, as such, the clerks of the circuit courts created therefor by this Constitution, and shall hold office as such until the first day of January, nineteen hundred and six, unless sooner removed, and their successors shall be elected on Tuesday after the first Monday in November, nineteen hundred and five; provided that the first term of the clerks so elected be for six years. In the counties of Accomac, Augusta, Bedford, Campbell, Elizabeth City, Fairfax, Lee, Loudoun, Hanover, Henrico, Rockingham, Nansemond, Southampton, Pittsylvania, Nelson, and Wythe, in which there are now separate clerks for the county and circuit courts thereof, there shall be elected on Tuesday after the first Monday in November, nineteen hundred and three, county clerks for such counties. The terms of the clerks now in office, or their successors, of the several city courts preserved by this Constitution, shall continue until the first day of January, nineteen hundred and seven; and their successors shall be elected on Tuesday after the first Monday in November, nineteen hundred and five; but if any of such city courts shall be sooner abolished as provided in this Constitution or by law, then the term of the clerk of any such court shall thereupon determine.

Sec. 9. The first election of the Governor and of all officers required by this Constitution, to be chosen by the qualified voters of the State at large, shall be held on the Tuesday after the first Monday in November, nineteen hundred and five, and their terms of office shall begin on the first day of February following their election. The present incumbents of said offices, or their successors, shall continue in office until the last-named day.

Sec. 10. The first election of members of the House of Delegates, and of all county and district officers, to be

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elected by the people under this Constitution, except as otherwise provided in this Schedule, shall be held on Tuesday after the first Monday in November, in the year nineteen hundred and three; and the terms of office of the several officers elected at that or any subsequent election shall begin on the first day of January, next after their election, except as otherwise provided in this Constitution or in this Schedule. And the terms of the office of the sheriff, commonwealth's attorney, treasurer, commissioners of the revenue, superintendents of the poor, supervisors of the several counties, justices of the peace, and overseers of the poor, and of any incumbent of any other county or district office not abolished by this Constitution, nor herein specifically mentioned, now in office, or their successors, or whose terms of office shall begin on the first day of July, nineteen hundred and two, are continued until January the first, nineteen hundred and four.

The terms of the present members of the House of Delegates, and the terms of the senators now in office, or (in case of vacancies therein), their successors, representing the senatorial districts bearing even numbers, are extended until the second Wednesday in January, nineteen hundred and four; provided, that the term of the senator, now residing in the city of Richmond, who by the provisions of the apportionment act, approved April the second, nineteen hundred and two, is continued in office as one of the senators from the thirty-eighth senatorial district thereby created, be extended until the second Wednesday in January, nineteen hundred and six. The terms of the senators now in office, or (in case of vacancies therein), their successors, representing the senatorial districts bearing odd numbers are extended until the second Wednesday in January, nineteen hundred and six.

In the senatorial districts bearing even numbers, there shall be elected, on the Tuesday after the first Monday in November, nineteen hundred and three, for a term of four years, to begin on the second Wednesday in January succeeding their election, members of the Senate to represent such districts; in the senatorial districts bearing odd numbers, and in the city of Richmond to fill the vacancy, which will, as above provided, occur on the second Wednesday in January, nineteen hundred and six, there shall be elected, on the Tuesday after the first Monday in November, nineteen hundred and five, for a term of two years, to begin on the second Wednesday in January succeeding their election, members of the Senate to represent such districts; and on the Tuesday after the first Monday in November, nineteen hundred and

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seven, there shall be elected, for the term of four years, to begin on the second Wednesday in January succeeding their election, a senator from each senatorial district in the State.

Sec. 11. All other State, county, and district officers, and their successors, who may be in office at the time this Constitution goes into effect, except the Auditor of Public Accounts, the Second Auditor, the Register of the Land Office, the Superintendent of Public Printing, the Commissioner of Labor and Industrial Statistics, Railroad Commissioner, notaries public, the Adjutant-General, the Superintendent and the Surgeon of the Penitentiary, the Manager and the Surgeon of the State Prison Farm, the superintendents of the several State hospitals, and the school superintendents for counties and cities, and school trustees, shall, unless their respective offices be abolished, or unless otherwise provided by this Constitution or Schedule, hold their respective offices, and discharge the respective duties and exercise the respective powers thereof, until January the first, nineteen hundred and four. The terms of the present incumbents in the offices of Auditor of Public Accounts, Second Auditor, Register of the Land Office, Superintendent of Public Printing, and Commissioner of Labor and Industrial Statistics, shall continue until March the first, nineteen hundred and four. The term of the Railroad Commissioner shall end as soon as the State Corporation Commission shall be organized. Notaries public shall continue in office until their respective commissions shall expire. The term of the office of Adjutant-General shall expire March the first, nineteen hundred and six. The Superintendent and the Surgeon of the Penitentiary, the Manager and the Surgeon of the State Prison Farm, the superintendents of the several State hospitals, shall continue in office until their successors shall be appointed by the respective boards empowered under this Constitution to make the several appointments. The school superintendents for counties and cities shall remain in office for their respective terms, and until their successors are appointed. School trustees now in office, or their successors, shall remain in office until otherwise provided by law. Electoral boards with the powers conferred by existing laws, except the appointment of registrars, shall remain in office until March the first, nineteen hundred and four.

Sec. 12. The terms of the State Board of Education, the State Corporation Commission, and the Board of Agriculture and Immigration, the directors of public institutions and prisons, and of each State hospital, and the Commissioner of State Hospitals, to be first elected, or appointed, under this Constitution, shall begin on March the first, nineteen

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hundred and three. The board of any of the above-named departments and institutions as now constituted shall continue until the boards created under this Constitution for such departments and institutions respectively are duly organized. And the terms of the members of the Board of Fisheries are continued until March the first, nineteen hundred and six. The terms of the trustees or visitors of the State educational institutions, and other honorary appointments made by the Governor, are continued until otherwise provided by law.

Sec. 13. Charters of incorporation may, until the first day of April, nineteen hundred and three, be granted or amended by the courts of the State in accordance with the laws in force when this Constitution goes into effect, unless the General Assembly shall sooner provide for the creation of corporations as required by this Constitution.

Sec. 14. The terms of all officers elected by the qualified voters of a city, and of their successors, in office at the time this Constitution goes into effect, or whose terms of office begin on the first day of July, nineteen hundred and two, except the terms of mayors, of members of city councils and of the clerks of city courts, are continued until January the first, nineteen hundred and six; and their successors shall be elected on the Tuesday after the first Monday in November, nineteen hundred and five. The terms of all city officers, not so elected, shall expire as provided in the charters of the several cities, or as may be provided by law.

Sec. 15. Until otherwise provided by law, the mayors of the several cities shall continue in office until September the first, nineteen hundred and four, and their successors shall be elected the second Tuesday in June, nineteen hundred and four. Until otherwise provided by law, the members of the several city councils shall continue in office for the terms prescribed in the charters of their respective cities, except that where their terms are prescribed as ending on the first day of July of any year, they shall be extended until the first day of September following.

Sec. 16. Vacancies in any office, the term of which is confirmed or extended by this Schedule, occurring during such term or extension thereof, shall be filled in the manner prescribed by law.

Sec. 17. All officers, whose terms of office are extended by this Schedule, required by law or municipal ordinance to give bond for the faithful discharge of the duties of their respective offices, shall, prior to the expiration of the terms for which they were respectively chosen, before the court

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or other authority before whom such officer was required by law or municipal ordinance to give such bond, enter into a new bond, in the same penalty and with such security as was prescribed by law or municipal ordinance in respect to his former bond, and with like conditions as therein prescribed, for the faithful discharge of the duties of his office for the extended term herein provided for, and until his successor shall have been duly chosen, and shall have qualified according to law. Upon failure to give such bond within the time above prescribed, the office shall, upon the expiration of the term for which the incumbent thereof was chosen, become vacant.

Sec. 18. In all elections held after this Constitution goes into effect, the qualifications of electors shall be those required by Article Two of this Constitution.

Sec. 19. The General Assembly which convened on the first Wednesday in December, nineteen hundred and one, shall be called by the Governor to meet in session at the Capitol at twelve o'clock M., on Tuesday, the fifteenth day of July, nineteen hundred and two. It shall be vested with all the powers, charged with all the duties, and subject to all the limitations prescribed by this Constitution in reference to the General Assembly, except as to the limitation upon the period of its session, qualifications of members, and as to the time at which any of its acts shall take effect; but the ineligibility of the members thereof to be elected to any other office during their terms as members of the General Assembly shall be such as is imposed by this Constitution. The said General Assembly shall elect judges for all of the circuit courts provided for in this Constitution, and also of the corporation courts for Bristol, Radford, and Buena Vista, unless said city courts are sooner abolished.

Sec. 20. The said General Assembly shall enact such laws as may be deemed proper, including those necessary to put this Constitution into complete operation; to confirm those officers whose appointment is made by this Constitution subject to confirmation by the General Assembly or either house thereof; and to transact other proper business; and such session shall continue so long as may be necessary. The members shall receive for their services four dollars per day, for the time when the General Assembly is actually in session, including Sundays and recesses of not exceeding five days, and the mileage provided by law; the Speaker of the House of Delegates and President of the Senate shall each receive seven dollars per day for the same period and the mileage provided by law; and the other officers and em-

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ployees shall receive such compensation for their services as the General Assembly may prescribe. Provision may be made for compensation at said rate of four dollars per day of members of legislative committees which may sit during any recess of said session.

Sec. 21. The compensation and duties of the Clerk of the House of Delegates and of the Clerk of the Senate shall continue as now fixed by law until the first of January, nineteen hundred and three, after which date their compensation shall be as prescribed by section Sixty-six of this Constitution.

Sec. 22. When the General Assembly convenes on the fifteenth day of July, nineteen hundred and two, its members and officers, before entering upon the discharge of their duties, shall severally take and subscribe the oath or affirmation prescribed by section Thirty-four of the Constitution. And not later than the twentieth day of July, nineteen hundred and two, the Governor and all other executive officers of the State, whose offices are at the seat of government, and all judges of courts of record, shall severally take and subscribe such oath or affirmation; and upon the failure of any such officer, executive or judicial, to take such oath by the day named, his office shall thereby become vacant. Such oaths or affirmations shall be taken and subscribed before any person authorized by existing laws to administer an oath. The Secretary of the Commonwealth shall cause to be printed the necessary blanks for carrying into effect this provision, and the said oaths and affirmations so taken and subscribed, except of the members and officers of the General Assembly, shall be returned to and filed in his office; and those taken by the members and officers of the General Assembly shall be preserved in the records of the respective houses.

Sec. 23. The official copy of the Constitution and Schedule, and of any ordinance adopted by the Convention, shall, as soon as they shall be enrolled, be signed by the President and attested by the Secretary of the Convention, and the President will thereupon cause the same to be delivered to the Secretary of the Commonwealth, who will file and preserve the same securely, among the archives of the State in his custody.

The Secretary of the Commonwealth will cause the Constitution, Schedule, and said ordinances to be transcribed in a book to be provided for the purpose and safely kept in his office.

The Secretary of the Convention will immediately upon the

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adoption of this Schedule, deliver a certified copy of the Constitution and Schedule, and of said ordinances, to the Governor of the Commonwealth.

Sec. 24. The Governor is authorized and directed to immediately issue his proclamation announcing that this revised and amended Constitution has been ordained by the people of Virginia, assembled in Convention, through their representatives, as the Constitution for the government of the people of the State, and will go into effect as such, subject to the provisions of the Schedule annexed thereto, on the tenth day of July, nineteen hundred and two, at noon, and calling upon all the people of Virginia to render their true and loyal support to the same, as the organic law of the Commonwealth.

Sec. 25. This Constitution shall, except as is otherwise provided in the Schedule, go into effect on the tenth day of July, nineteen hundred and two, at noon.

This Schedule shall take effect from its passage.

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CONTENTS.

State Officers 3

THE SENATE:

Senators, Districts and Postoffices 7–10
Officers of Senate and Postoffices 11
Standing Committees of Senate 12–13
Rules of Senate 15–33

THE HOUSE OF DELEGATES:

Delegates with Districts 37–39
Delegates with Postoffices 40–45
Officers of House with Postoffices 46–47
Standing Committees of the House 48–50
Rules of the House 51–73

THE CONSTITUTION:

Article I –Bill of Rights 75–78
Article II—Elective Franchise and Qualifications for Office 78–84
Article III—Division of Powers 84
Article IV—Legislative Department 84–92
Article V—Executive Department 92–96
Article VI—Judiciary Department 96–103
Article VII—Organization and Government of Counties 103–104
Article VIII—Organization and Government of Cities and Towns 104–110
Article IX—Education and Public Instruction 110–113
Article X—Agriculture and Immigration . . . 113–114
Article XI—Public Institutions and Prisons . . 114–115
Article XII—Corporations 115–131
Article XIII—Taxation and Finance 131–139
Article XIV—Miscellaneous Provisions 139–141
Article XV—Future changes in the Constitution 141–142
Schedule 143–151

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